

**Left with Few Rights:  
Unequal Democracy and the District of Columbia**

**Eli Zigas  
2008**

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**Suggested Library of Congress subject headings relevant to this work:**

- Washington (D.C.) -- Politics and government.
- Home rule--Washington (D.C.)
- Suffrage Washington (D.C.)
- Washington (D.C.)--Race relations
- African Americans Suffrage Washington (D.C.)
- Representative government and representation--Washington (D.C.)
- New Columbia

## Acknowledgements

It amazes me to look back and see how an idea about writing the story of democracy in the District of Columbia grew into this book.

It never would have gotten beyond page one without the invaluable advice and support of Professors Victoria Brown and Barb Trish. Having already instilled in me a passion for history, Prof. Brown impressed upon me the importance of delving deep into documents and always questioning whether I was arguing beyond the facts. Prof. Trish took my idea for conducting focus groups and guided them into reality. For their patience and wisdom, I have the deepest gratitude.

Diane Burt, Molly McArdle, Jess Rhoades, and Stevie Schein each assisted me at different stages of my focus groups and made them possible. The focus group participants were guaranteed confidentiality and though I can not name them here, they know who they are and they have my many thanks.

During the process of writing this book, I came to love librarians. I especially want to thank the staff of Burling Library at Grinnell College. They have the remarkable ability to find obscure documents without breaking a sweat while simultaneously giving encouragement to lonely researchers during the bitterly cold winter. I would not have been able to use the primary sources included in my history sections were it not for the help of the librarians in the Washingtoniana Division of the Martin Luther King, Jr. Public Library in D.C., the Historical Society of Washington, D.C., and the Library of Congress.

I am deeply indebted to a number of other people and institutions. Dean Brad Bateman and Grinnell College provided the financial support for my research. Kathy Schmidt, Joy Simonson, Barbara Yeomans, and Sue Johannsen helped me tap into the deep network of the League of Women Voters. Rebecca Kingsley kindly shared transcripts from interviews she conducted in making her documentary, *The Last Colony* (currently in production). Matthew Gilmore has my utmost gratitude for sharing his wide-ranging knowledge of D.C. history and his desire to see the voices of the past resurrected for those in the present. And, my thanks go to Professor Meg Weeks at American University for her advice and encouragement.

More than research, focus groups, and words went into this book. I want to thank the former and current leadership of DC Vote – Amy Slemmer, Daniel Solomon, Kevin Kiger, and Ilir Zherka for igniting – and constantly stoking – my passion for democracy in the District.

My parents, Jodie and Barry, deserve special appreciation. For two years they graciously endured endless rants, long absences, and lulls in communication, yet still provided incredible support, feedback, and suggestions on how to make the book better. My brother, Caleb, willingly slogged through an early draft and my grandfather, Ron, always pushed me to think about the broader context. They give the invaluable support only family can provide.

Finally, for her incredibly keen editing eye and for sharing with me the highs and lows of writing a ‘book-in-progress,’ I owe deep gratitude to Savanna Ferguson. I can not thank her enough for her encouragement, insight, and comfort.

Though all those named above contributed in one way or another to this work, I am solely and wholly responsible for all its errors and omissions.

~Eli Zigas

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## Introduction

A woman drives her car from her home in Virginia, across a bridge above the Potomac River, and into the District of Columbia. She pulls up to a stoplight behind a car driven by a man who lives in D.C. On the license plate in front of her, in bold blue letters, is a simple declarative statement: “Taxation Without Representation.”

These words, carried by the city’s official license plate on hundreds of thousands of vehicles, are more than a patriotic reprinting of a revolutionary slogan. They are a modern reminder of the colonial status of the nation’s capital. Simple, but resonant, they convey the inequality between the driver from Virginia and the driver from the District.

What differentiates the Virginia visitor from her D.C. counterpart is the possession of two fundamental components of American citizenship – national representation and self-determination. The woman from Virginia has voting representation. She has two senators and a representative. When she votes for president and vice-president she can be confident that her voice in their election will not be confined to a limited delegation to the Electoral College.

The Virginia resident takes part in a social contract in which she fulfills the duties of citizenship while enjoying the rights that accompany those obligations. When she pays her taxes, she knows that those politicians who will be voting on how her money is spent are electorally accountable to her. When she is called for federal jury duty, she can enter the court knowing that the judges on the bench were confirmed by the votes of her senators. When she - or her family, friends, and neighbors – respond to the call to serve in the military and fight and die in a war condoned by Congress, three legislators that voted on that decision must answer to her and her community. She has the power, through her senators and representative, to influence the federal government that governs her.

The man in the car from D.C. does not share that power. Instead, he lives in a city in which residents pay, as individuals and in their business, \$5.5 billion in federal taxes, the second highest amount per capita in the nation, but have no say in how their money is spent. He and his neighbors serve on juries governed by judges confirmed without any consideration of D.C. residents’ opinions. And while his community has sent soldiers to be wounded and killed in Iraq and Afghanistan, ostensibly fighting to spread democracy to Baghdad and Kabul, no one in Congress is accountable to D.C. residents on those decisions of war or peace, life or death.<sup>1</sup> In his lived experience as a resident of the nation’s capital, full American democracy is rhetoric, not reality.

The difference between the two drivers is not limited to their unequal level of national representation. It also extends to their local government – their power of self-determination. Unlike his counterpart from Virginia, the District resident has no locally elected legislature with ultimate authority over his local tax dollars. Instead, the man from D.C. pays taxes at rates affirmed by an elected city council and mayor, but those tax rates, and every other law in the District, must be explicitly or implicitly approved by Congress – the national legislature in which he has no voting representation.

The District resident’s lack of local autonomy is not some abstract distinction without tangible consequences. To the contrary, it has a profound impact on his life and his community’s standard of living. Because Congress has ultimate authority over the

District, the city government cannot save the lives of its residents by using locally-raised tax dollars to prevent the spread of HIV/AIDS with a needle exchange program. School buildings deteriorate because the District government, prohibited by Congress from taxing the income earned by commuters in the city, must defer repairs in order to avoid budget deficits. Parents throughout the city wonder about the effect a possible increase in violence will have on their children if Congress decides to overturn the gun laws passed by the city council and mayor years ago.<sup>2</sup>

The woman from Virginia and her neighbors may face similar municipal problems, but their community's infection rates, crumbling schools, and violent crime are not directly affected by congressional oversight of their community. If her municipal or state government debated a needle exchange program, a commuter tax, or gun safety laws, she could use her vote to affect that debate and local lawmakers' decision in that debate would be law. Washingtonians share no such power. They do not enjoy self-determination; their city council and mayor can be overruled at any time by a legislature in which they have no vote.

District residents' lack of national representation and self-determination is nothing new. In fact, their unequal rights are nearly as old as the slogan on the city's license plate. Washingtonians lost their rights in 1801 and have been working to regain them ever since. The story of their struggle has many chapters. Spanning over two centuries, the story includes the retrocession of a third of the city back to Virginia, the rise and fall of a territorial legislature, the appointment of dozens of commissioners, the introduction of two constitutional amendments and the passage of one, the transition from an appointed mayor and city council to an elected mayor and city council, the establishment of a non-voting delegate in the House of Representatives, a petition to join the United States as the state of New Columbia, and the imposition and subsequent suspension of an appointed Control Board. Washingtonians' fight for equal rights is a tale of persistence, of limited victories and demoralizing failures, and the length of the story is a testament to how generation after generation of residents have recognized the positive impact full democracy would have on their daily lives.

Most importantly, it is a story waiting for a conclusion. Washingtonians want equal citizenship, but the diverse history of past efforts at expanding democracy in the District leaves advocates and activists in the city today wondering what strategy is now best to pursue. Many strategies have been tried, a few remain untested, and some, no doubt, remain to be conceived. Because each plan has its advantages and disadvantages, a number of perspectives are needed to evaluate potential strategies.

The city's rich history, full of colorful politicians and passionate activists, petitions and protests, as well as presidents and civic-minded residents has much to teach the advocate of democracy in the District. History, however, can only inform the present up to a point. Any evaluation of the feasibility of a contemporary strategy must also include a consideration of the city's current political and economic context. Finally, because any strategy will involve Congress and potentially the state legislatures, an understanding of public opinion is needed to determine not only what might be politically possible, but also how public opinion might be changed through education and lobbying.

By studying these three components – the city's history, its current context, and public opinion – it is evident that the man with the 'Taxation Without Representation'

license plate will never be treated the same as the Virginian in the car behind him until he has the equal rights of both national representation and local self-determination. The key to understanding why requires returning to the birth of the District.

## **The Birth of the District of Columbia and the Loss of District Residents' Rights**

*“That the people could not be represented in the General Government, [Representative John Bird] admitted. But where was the blame, if any could attach? Certainly not to the men who made the act of cession; to those who accepted it. It was to the men who framed the Constitutional provision who peculiarly set apart this as a District under the national safeguard and Government.”*  
~ *Annals of Congress, February 1801*

### ***Creating the District: What was the Intent?***

In a law review article published in 1979, Sen. Orrin Hatch argued against a constitutional amendment that would grant D.C. residents voting representation in national affairs by arguing that the historic disenfranchisement of the District was intentional. “The absence of extended discussion by either the Founding Fathers or the drafters of the 1801 Act on the matter of D.C. suffrage . . . [reveals that the loss of suffrage] was considered necessary to ‘the peculiar plan’ which separated the national capital from the states.”<sup>1</sup> He also contended that “it cannot be said that the architects of the District’s disenfranchisement were oblivious to what they were doing.”<sup>2</sup> Rather, said Hatch, the District’s loss of political rights in 1801 “is probably attributable to congressional indifference rather than congressional oversight.”<sup>3</sup>

Senator Hatch’s argument demonstrates how important the issue of historical intent is in regard to debates over democracy in D.C. Hatch is not alone in using the past to justify a current opinion. In debates about the District, both opponents and supporters of suffrage for D.C. residents look back to the early years of the republic for historical evidence to bolster their cases. Divining the intent of the “architects of the District’s disenfranchisement” is not just a historical exercise; it is an attempt to use historical links to the Founders as a means of legitimizing a policy position. The only way to evaluate these modern-day stances is to examine the origin of D.C. residents’ disenfranchisement, which is intimately tied to the origin of the District itself.

The story of D.C. begins in Pennsylvania. According to historian Kenneth Bowling, “warm winds carried the ominous drum rolls through the noon-day streets of Philadelphia on 21 June 1783. Thirty well-ordered soldiers with fixed bayonets prepared to advance on the . . . capitol shared by Pennsylvania and the United States.”<sup>4</sup> The soldiers came demanding compensation for their service in the Revolutionary War. They presented their demands to the Pennsylvania legislature, not to Congress.<sup>5</sup> “Their nearest approach to violence consisted of ‘offensive language’ and occasionally a musket pointed

at the tightly shut windows.”<sup>6</sup> The incident, however, led Congress to leave Philadelphia for the more secure Princeton.<sup>7</sup>

The memory of the incident convinced many of the Constitution’s framers that Congress needed control of its home. Four years after Congress left the Pennsylvania capitol building, known today as Independence Hall, delegates to the Constitutional Convention convened in that same building and approved a paragraph that has since made the lives of District residents unique among all the citizens of the United States.<sup>8</sup> This paragraph, now known as the District Clause, reads: “The Congress shall have 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.”<sup>9</sup> In the four years between the Philadelphia mutiny and the Constitutional Convention’s acceptance of the District clause, a consensus among enough delegates was forged around the idea that any new federal government would need to have exclusive control over the seat of the national capital.<sup>10</sup>

There is general agreement that the District Clause was intended to give the federal government full control over the soon-to-be-created District. What is much less clear, however, is whether anyone intended for this clause to disenfranchise District residents. To understand the intent of the District Clause we must look at how three groups of people discussed the clause: the delegates to the Constitutional convention, the members of ratifying conventions in the various states, and the first Congress that debated the District clause.

During the Constitutional Convention, there was very little debate about the District clause and absolutely no mention of the franchise implications of the clause for future District residents.<sup>11</sup> Discussion of political rights barely increased during the ratification process. Delegates to the Virginia and North Carolina ratifying conventions discussed the District Clause, but recorded no specific debate on the subject of disenfranchisement.<sup>12</sup> Only at the New York ratifying convention did delegates raise the issue of District residents’ political rights. At that convention Alexander Hamilton proposed an amendment to the Constitution that would eventually grant the District voting representation in Congress.<sup>13</sup> The proposed amendment failed to pass, but Hamilton’s proposal definitively shows that by the time of the New York ratifying convention, at least one Framer of the constitution recognized that the issue of political rights for the District should be clarified.<sup>14</sup> Although the New York convention failed to pass Hamilton’s amendment, the paucity of debate in New York and elsewhere leaves little evidence that the ratifiers spent much time thinking about the impact the District Clause would have on the rights of District residents.<sup>15</sup>

The most contested piece of evidence from the ratification period is a section from the Federalist Papers in which James Madison discussed the process whereby a federal district would be created from land ceded from a state and seemed to respond to those who worried over the rights of those living in the ceded territory. In *Federalist 43*, Madison wrote:

[Because the District] is to be appropriated to this use with the consent of the State ceding it; as the State will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it; as the inhabitants will find sufficient inducements of interest to

become willing parties to the cession; 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; and as the authority of the legislature of the State, and of the inhabitants of the ceded part of it, to concur in the cession, will be derived from the whole people of the State in their adoption of the Constitution, every imaginable objection seems to be obviated.<sup>16</sup>

While there can be clarity as to what Madison specifically wrote, it is much more difficult to interpret what Madison meant. On one hand, this statement can be read to prove that Madison was aware of and accepted the unique political status being created for future District residents so long as they consented, through a representative government, to the cession of land. That is, *Federalist 43* could be proof that Madison knowingly accepted the disenfranchisement of District residents.

On the other hand, Madison may not have been thinking about disenfranchisement at all. This section of *Federalist 43* can be construed to show that Madison recognized and accepted that “the willing parties to the cession” would lose their connection to a state and that “every imaginable objection” to federal jurisdiction and the loss of state identity “seems to be obviated.” In other words, Madison’s phrasing does not definitively indicate that he equated the loss of state identity with the loss of congressional representation. The text of *Federalist 43* is frustratingly vague on the issue of national suffrage for District residents and will always remain open to interpretation.<sup>17</sup>

Aside from the framers and ratifiers, there is one more group that Orrin Hatch invites us to look at to find intent. That is the sixth Congress, which was the first Congress that discussed the issue of District disenfranchisement. The political rights of District residents made their way onto the House floor at the end of 1800 because Congress had to assume control over the new federal District of Columbia that year. In 1790, following the ratification of the Constitution and a very heated debate over where to locate the District, Maryland and Virginia ceded one hundred square miles to Congress to create the seat of government. Congress stipulated that it would take control of the new capital ten years later.<sup>18</sup> Between 1790 and the day when Congress assumed jurisdiction of the capital, the ceded land continued to be governed by Maryland and Virginia laws and “District residents continued to participate in the congressional elections of these states, and to be represented by Maryland and Virginia congressmen.”<sup>19</sup> Then, in December of 1800, Congress began to debate a bill that would formally assert federal jurisdiction over the District and its 14,000 residents.<sup>20</sup>

Congressional participants in this debate acknowledged and understood that assumption of federal jurisdiction over the Virginia and Maryland land meant the impending loss of political rights for residents of the District. No member of the House disputed Rep. John Nicholas’ statement that, upon federal assumption, District residents would “cease to be the subjects of State taxation” and, therefore, “it could not be expected that the States would permit them, without being taxed to be represented.”<sup>21</sup> Debate continued and, eventually, Congress passed a bill on February 27, commonly known as the Organic Act of 1801, that exercised its constitutionally-granted power of exclusive jurisdiction over the District.<sup>22</sup>

Orrin Hatch has used this decision by the sixth Congress to argue that “it cannot be said that the architects of the District’s disenfranchisement were oblivious to what they were doing.” The implication is that if the “architects” were not oblivious to what they were doing, then they must have, at some level, intended to disenfranchise the District as part of their “‘the peculiar plan’ which separated the national capital from the states.”<sup>23</sup> There are two problems with this argument. First, members of the sixth Congress did not see themselves as “architects” of the District clause or its effects. Rather, the congressmen saw themselves more as contractors who were only implementing the blueprint laid out in the District clause. As noted in the *Annals of Congress*, Rep. John Bird of New York admitted that District residents “could not be represented in the General Government,” but washed his hands of responsibility. “But where was the blame, if any could attach?” he asked. “Certainly not to the men who made the act of cession; to those who accepted it. It was to the men who framed the Constitutional provision who peculiarly set apart this as a District under the national safeguard and Government.”<sup>24</sup>

Second, if we look only at the true architects of the District Clause, the framers and ratifiers of the Constitution, the evidence reveals that the only aspect of the capital that was given serious attention and planned during the conventions was federal control of the District. There was no plan for national representation or self-determination for District residents. Those topics were not debated. The only evidence that the framers and ratifiers may have intended to disenfranchise the District is Madison’s *Federalist 43* and rejection of Hamilton’s amendment at the New York ratifying convention. Neither is exceptionally strong proof that either the framers or ratifiers intentionally restricted the suffrage of future District residents in order to have full control over the capital. Rather, the record of District’s origin reveals that the architects of the nation’s capital did not spend much time thinking about the political rights of the residents who would live in that District.

### ***Reforming the District: What is Our Intent?***

There is good reason to try to understand the intent of the framers and ratifiers. The American public and legal system, as proponents and opponents have recognized, place great value on the opinions of the Founders. The problem is that the debate over what the framers and ratifiers intended will never end. Not only will this debate never end, but debates over historical intent distract from the debate that is necessary today. Put bluntly, why care what the Founders intended for D.C.? Why decide current policy based on past intent? If Americans had allowed the intent of the Founders to be the basis of policy today, slavery would still be legal, women wouldn’t be able to vote, and senators would be chosen by state legislatures. In the past two centuries, Americans have chosen to make policy decisions that are contrary to the very clear intent of the Founders on a variety of issues. The intent of the founders regarding the District is not clear, but the need to shift debate away from intent is. While we can learn valuable insight from the history of the District clause, it is more important to focus on the present day question: What should *we* intend for the District? To answer that question, we must examine the political history of D.C.’s disenfranchisement, recent public opinion, and the current political context.

### *The Past as Prologue: The Congressional Debates of 1800 and 1803*

There is more to glean from the time of D.C.'s birth and infancy than just an understanding of how the politicians in Independence Hall and the Capitol viewed the District. Indeed, the first chapter in the story of democracy in D.C. introduces a theme that repeats throughout the District's two hundred year history. Since the inception of the District, the rights of Washingtonians have been shaped by both officials at the highest level of national government and individuals at the local District level.

The congressional debate over the federal government assuming control of the District in 1800 was the first time that D.C. residents' political rights were considered in the halls of the Capitol. The issue at hand in 1800 – the bill that was being considered – focused on clarifying who had jurisdiction of the hundred square miles and not on clarifying the political rights of the District.<sup>25</sup> Additionally, the issue of the District was minor in comparison to the other issues facing Congress at the time, such as the Sedition Act and the Jefferson-Burr stalemate in the Electoral College after the 1800 presidential election.<sup>26</sup>

It was within this context that Congress passed the Organic Act of 1801 and, in that year, officially assumed control of the District. With the passage of the Organic Act on February 27, residents living within the boundary of the newly created national capital lost two categories of rights they had enjoyed while residents of Maryland and Virginia. They were no longer citizens of a state and therefore no longer had national representation or self-determination. After 1801, they could no longer vote for president or any member of the House of Representatives. Senators at the time were elected by state legislatures, and without a state legislature, District residents became unrepresented in the Senate. Their representation in national affairs, through elected officials, disappeared. Similarly, residents of the new District also lost their self-determination. Congress became the equivalent of their state legislature despite the fact that they no longer had representation in that body. Local taxes could be levied and spent and municipal regulation decreed by a Congress in which no member, after 1801, claimed District residents as their constituents.

Many residents of the new District, and their descendents, would spend the next two hundred years promoting various proposals to reclaim their rights. Some proposals sought only to reclaim national representation. Others attempted to rectify the issues of self-determination by increasing the city's legal and budget autonomy through various proposals for "home rule" and local control. Finally, a third category of proposals, including retrocession and statehood, sought to return both the rights of national representation and self-determination to District residents by redrawing the District's boundaries so as to make the residents citizens of an existing state or a new one. The proposals took many forms, but they all sought to reclaim the rights of either national representation, self-determination, or both.

The Organic Act of 1801 divided the District into five separate jurisdictions: Washington County, Alexandria County, the city of Georgetown, the city of Alexandria, and a new entity called Washington City.<sup>27</sup> Beginning in 1802, and continuing for

seventy years, Washington City was governed by a city council and mayor while Alexandria and Georgetown maintained their municipal corporations for many years.<sup>28</sup> These municipal governments addressed many day-to-day needs of the city, but ultimate authority over the District remained with Congress.

In 1803, the issue of D.C.'s political rights surfaced as part of a debate over Congress' proper role governing the District. On January 27<sup>th</sup>, Rep. John Bacon of Massachusetts, an opponent of federal control over the District, introduced a "retrocession" bill that would return the land that Congress accepted to create the District in 1790 back to Maryland and Virginia.<sup>29</sup> Twelve days later, the House began debate on the bill. Rep. Bacon gave four reasons for why he offered his bill: (1) Congress had no need for exclusive jurisdiction; (2) Legislating for the District involved "trouble and expense" for Congress and would only increase with time; (3) District residents did not share the same rights as other Americans. Instead District residents would "be governed by laws in the making of which they have no voice – by laws not made with their own consent, but by the United States for them;" and (4) Congress was incompetent as a local legislature.<sup>30</sup> Presented for the first time with the opportunity to pass a bill that would provide District residents with equal political representation, Congress turned it down. Sixty-six House members opposed the retrocession bill while twenty-six voted in support.<sup>31</sup>

Two arguments raised against Bacon's bill in 1803 were unique to early debates over the District's political situation. First, a number of Congressmen expressed doubt that District residents had adequately demonstrated their desire for a change in their political status.<sup>32</sup> Second, opponents to any change to the District's status raised the specter that the federal government would leave the District if the political arrangement was altered. Rep. James Bayard of Delaware ominously proclaimed "recede the District, and believe me, Congress will soon take wings and fly to some other place."<sup>33</sup> By the mid-twentieth century, neither District residents' desire for a change in their political status nor the permanence of D.C. as the national capital would be questionable.

The congressional debates of 1800 and 1803 show that a majority of congressmen were willing to sacrifice the political rights of the District in order to maintain control of the city. But it is important to remember that neither debate was centered on the issue of the District's disenfranchisement. These early congressional debates give a glimpse of both the limited basis for District residents' disenfranchisement as well as the difficulty of making structural changes to the legal status of the nation's capital and its residents.

### ***The Loss of Political Rights – A Local Perspective***

Since the birth of the District, local residents have not sat idly by while Congress debated the finer points of their political rights. For two centuries, individuals, organizations, and government bodies have consistently wrestled with the issue of political equality for D.C. During the debate over the federal government assuming control of the city in 1800, some District residents demonstrated both their desire for Congress to assume jurisdiction as well as their concern over the loss of political rights. The *Annals of Congress* notes that a "petition of sundry freeholders and inhabitants of the City of Washington . . . was presented to the House . . . praying that Congress may assume

jurisdiction of the Territory of Columbia . . . .”<sup>34</sup> Not all residents were satisfied however. Before the bill passed, a number of local papers published a set of articles written by Augustus Woodward using the pen name “Epaminondas.” In his second column, Woodward unequivocally argued for continued national representation.

It is contrary to the genius of our constitutions, it is violating an original principle in republicanism, to deny that all who are governed by laws ought to participate in the formation of them.

The people of this territory [the District of Columbia] therefore ought to be represented in the legislature of the United States and to have a voice in the election of the President and Vice-President.<sup>35</sup>

Woodward, however, stopped short of calling for representation equal to that of the residents of the states. Calling the District a “territory” distinct from a state, he proposed a constitutional amendment granting District residents proportional representation in the House of Representatives and Electoral College, but only one Senator.<sup>36</sup>

Looking at the issue of self-determination, Woodward proposed that Congress delegate power to a local government. Congress, he argued, could not be expected to give “proper attention [to] the minute necessities of a town, a City, or a District.” Furthermore, the federal government was not only ill-equipped to act as a municipal government, but doing so would “impair the *dignity* of the national, legislative, and judicial authorities.” A better solution for the territory, he explained, would be a locally elected bicameral legislature accompanied by a presidentially appointed governor. This local government would control day-to-day affairs while Congress reserved the right to impose its authority at any time.<sup>37</sup> Woodward’s constitutional amendment for national representation and territorial government scheme for home rule comprised the first of many creative and varied proposals District residents would offer over the following two centuries seeking to alter the political framework governing their lives.

Woodward was not alone in objecting to District residents’ impending loss of rights. The *Alexandria Times* printed a public memorial from “a number of the inhabitants of the Territory of Columbia (west of the Potomac)” addressed to the House of Representatives. The memorialists wrote that they could not “help viewing as adverse to their most important rights and interests” losing their power as citizens in Virginia once Congress took control of the District. Frustrated at the prospect of losing both national representation and local self-determination, they bolstered their case by explaining how they could not “for a moment suppose that the wise framers of our constitution suffered the injurious idea to enter their deliberations, which could mark the people of this district as a melancholy exception to the general smile of liberty.” The petitioners concluded that they “ardently trust, that however small a part they may constitute of the great American republic, their claims to equal right [sic] will not be disregarded.”<sup>38</sup>

These District residents soon learned that their trust was unfounded. Editorial protest, local petitions, and the concerns of a few congressmen were not enough to alter Congress’ course away from maintaining ultimate control over the District. With the passage of the Organic Act of 1801, District residents lost their national representation and local self-determination. Two years later, following the rejection of Rep. Bacon’s bill

in 1803, Congress reaffirmed its power of exclusive jurisdiction and placed itself firmly in political control over the lives of District residents.

## **A Century of Conflict**

### **Economics, Race, and Local Governance: 1801-1900**

*“In all matters, then, affecting their domestic affairs, the spirit of our democratic form of Government demands that [District residents’] wishes should be consulted and respected, and they taught to feel that, although not permitted practically to participate in national concerns, they are nevertheless under a paternal Government, regardful of their rights, mindful of their wants, and solicitous of their prosperity.”<sup>1</sup>*

*~ President Andrew Johnson, Veto  
Message to the Senate, Jan. 5, 1867*

The first hundred years of the relationship between the District of Columbia and Congress is a story of perennial conflict between local residents and federal overseers arising out of the issues of economics, race, and local governance. While the growing District was by no means roiled in conflict year after year, the milestones of Virginia’s retrocession, the Civil War followed by Reconstruction, and the short-lived territorial government each reveal how the unique dynamic inherent in congressional control of the city consistently created problems. For congressmen and Washingtonians, the nineteenth century proved just how troublesome exclusive jurisdiction could be.

#### ***The Short End of the Economic Stick and Alexandria’s Successful Push for Retrocession***

An early source of conflict stemmed from the perceived lack of economic benefit some District residents received in exchange for their compromised political rights. Residents’ opinions about their new status varied by jurisdiction. Although Congress rejected retrocession in 1803, citizens in the cities of Alexandria and Georgetown kept the idea alive for over fifty years. Mark David Richards notes that “while residents of Washington City never developed a strong interest in retrocession because they wanted the seat of government to remain in the District and they benefited more from their proximity to the federal government, many residents of the port towns of Alexandria and Georgetown began to seriously consider retrocession because the economic benefits that they had hoped for had not materialized.”<sup>2</sup>

In the 1830’s, residents of Alexandria began to actively press for retrocession as a means of changing the area’s economic situation. According to John Hammond Moore, “stagnant trade, a static population, and a sense of being ‘left out’ of District affairs – coupled with the financial burden resulting from heavy outlays for two canals – created a restless mood” favorable to returning Alexandria to Virginia.<sup>3</sup> In an 1835 memorial to

Congress, prominent citizens of Alexandria argued that “our situation is essentially different, and far worse, than that of our neighbors on the northern side of the Potomac.” Their counterparts in what used to be Maryland, the Alexandrians argued, “are in *some* measure compensated in their loss of political rights” by being “citizens of the Metropolis” that was the District.<sup>4</sup> A large majority of Georgetown residents, living on the Maryland side of the Potomac, seemed to agree. “An 1838 vote sponsored by the Board of Common Council of Georgetown revealed that only 139 of 549 Georgetown residents favored retrocession.” By the 1840’s, the economic uncertainty caused by Congress’ failure to renew the charters of District banks only energized retrocession advocates.<sup>5</sup> After a resolution from the Virginia assembly demonstrated the state’s willingness to take the land back, Congress, following “astonishingly little discussion,” agreed to the proposal. Alexandrians finalized the deal with a referendum in September of 1846.<sup>6</sup>

The retrocession vote passed Congress at a time of national tension over slavery. While slave traders in Alexandria no doubt sought to rejoin Virginia as a way to protect their interests, other residents of Arlington and Alexandria favored retrocession as a way to help spur more general economic development. Congress, in its debates over the retrocession proposal, didn’t seem to be motivated by the slavery issue either. Surveying the debate, Richards argues that “the overall arguments and especially the vote on retrocession lend little support to the belief that slavery was a leading cause” for congressional passage of the bill, especially because a “majority of both free and slave states supported retrocession in both the Senate and the House.”<sup>7</sup>

While slavery may not have been the cause of retrocession, it “presumably accelerated” the migration of a large number of free blacks from Alexandria to the remaining part of the District because Virginia’s law “forbade a freed slave’s remaining in the state more than six months.”<sup>8</sup> While this influx of free blacks into the District cannot wholly explain the 70 percent increase of free blacks in the city of Washington between 1840 and 1850, it almost certainly accounts for a significant portion of that change.<sup>9</sup>

### ***The National Political Football Conflicts over Slavery and Race Before and After the Civil War***

The rising proportion of black residents in the District during the late 1840’s and early 1850’s coincided with the escalation of debate over slavery throughout the country and a renewed focus specifically on the slave trade in the nation’s capital. Before Congress imposed a gag rule on debate over slavery in 1836, the issue of the District’s slave trade had become so heated that “Georgetown . . . added her objections to being the ‘political football of the nation.’”<sup>10</sup> When the gag rule was lifted in 1844, the issue returned in full force. The District’s slave trade played prominently in national debates because Congress could control it without infringing on a state’s rights. What was a state-level issue in most parts of the country easily became an issue of national importance in the case of the District. The slave trade in the capital was such a contentious national issue that it was not abolished until the Compromise of 1850.<sup>11</sup> As important as this compromise was, it was not enough to hold the union together. The Civil War erupted eleven years later.

During the Civil War and Reconstruction which followed, the combination of an influx of freed slaves into the District and the dominance of a Republican party relatively sympathetic to blacks heightened tension between Congress and local residents.<sup>12</sup>

Congress' first dramatic move was the total abolition of slavery in the District in April 1862, nine months before the Emancipation Proclamation. This was quickly followed weeks later by the repeal of the District's black codes.<sup>13</sup> Next, the Republican Congress established a public school system for blacks to accommodate children of newly freed slaves. Anticipating that property taxes from blacks in Washington would pay for the school system, Congress did not provide federal funding for the program. But, neither Washington City nor Georgetown "kept records of white and colored taxes; officials merely allocated what they thought just" between the two school systems.<sup>14</sup> By 1864, when Congress pressured the municipal governments to give more than "token payments" to black schools, historian Constance McLaughlin Green argues that local "citizens felt, and with reason, that senators and representatives were enacting legislation for an unrepresented area that they would not dare propose for their home states and leaving the local community to pay the costs of educating black people who were properly a federal charge."<sup>15</sup> The federal government's abolition of slavery and its subsequent unfunded mandate for public education of the District's greatly enlarged free black population caused an intense conflict between a large portion of District residents and Congress.

Congress' racially motivated policy continued into Reconstruction and further angered the District's white majority. Soon after the end of the war and a year and a half before ratification of the 14<sup>th</sup> amendment, Republican Congressmen proposed allowing all black men to vote in local District elections.<sup>16</sup> The city of Washington's municipal council stated its opposition to the proposal by declaring "the white man, being the superior race, must . . . rule the black."<sup>17</sup> Similarly, referenda held in December of 1865 in both Washington City and Georgetown indicated overwhelming opposition to black suffrage. However, some whites questioned the validity of this referendum, which showed that not all whites were adamantly opposed. Furthermore, a group of black residents presented a petition with 2,500 signatures demonstrating their support for the suffrage proposal.<sup>18</sup> A year after the local referenda, both houses of Congress passed the bill. President Andrew Johnson vetoed it in January and supported his decision by explaining that he found it unjust that Congress would "compel the people of the District of Columbia to try an experiment which their own constituents have thus far shown an unwillingness to test for themselves."<sup>19</sup> But, "House and Senate overrode the veto the day after it reached Capitol Hill" and later expanded the "experiment" in the District into national law with the 14<sup>th</sup> amendment to the Constitution a year and a half later.<sup>20</sup> So long as a Radical Republican Congress had control of the city, the District would participate in pilot programs of emancipation, education, and suffrage for blacks whether the white residents liked it or not.

### ***Governing the City after the Civil War The Rise and Fall of the Territory of the District of Columbia***

Issues of race, prominent though they were, were not the only causes of tension in the District after the Civil War. The structure of governing the city also became an issue

when the surge in population following the war strained city services. Between 1860 and 1867, the total population of the District jumped by 66% from 75,000 to 125,000, which included a large number of recently freed slaves.<sup>21</sup> In addition to Congress' anger at the local government over its under-funding of black public schools, Green notes that "perceptive Washingtonians . . . saw a lack of congressional confidence in local competence in a dozen realms."<sup>22</sup> This lack of trust, growing with the city's rising debt, made proposals from the Midwest to relocate the capital all the more threatening.<sup>23</sup>

Congress' lack of confidence in the city's governance structure was shared by a number of the District's prominent elite businessmen. As Robert Harrison notes in his examination of the rise and fall of the District's territorial government, "[d]uring the late 1860's many of Washington's wealthiest and most influential citizens, associated particularly with the Board of Trade, came out in support of a fundamental restructuring of local government." They first proposed a completely unelected government of appointed commissioners, but recognizing the resistance of Republicans in Congress to disenfranchising D.C. residents, including thousands of freed slaves, eventually compromised and proposed a territorial form of government.<sup>24</sup> In May 1870, the Senate passed a bill that included an elected bicameral legislature, elected governor, and granted the District the power to tax federally-owned property in the city. The House District committee was dissatisfied with the Senate's far-reaching proposal and passed a heavily altered version in January 1871. The Senate raised minimal objections to the diluted version, and the Territory of the District of Columbia was born on February 21, 1871.<sup>25</sup>

The territorial arrangement was a mixture of federal control and local authority over a jurisdiction that consolidated Georgetown, the city of Washington, and Washington County into one entity. The governor, upper house of the legislature, and a powerful Board of Public Works, were all presidentially appointed. Local elections were held for members of a 22-seat lower House of Delegates as well as a non-voting delegate to Congress – D.C.'s first official representative in the legislature that had overseen the city for seventy years.<sup>26</sup> Congress continued to maintain veto power over any laws passed by the new legislature. Financially, the bill that passed had lost the provision allowing the city to tax federally-owned property and notably failed "to assign to the federal treasury any definite financial responsibility for the new territory."<sup>27</sup> But many residents still saw cause to rejoice and held a party on the day before the bill was signed.<sup>28</sup> Fears that the federal government might leave the District were laid to rest in March of 1871 when Congress authorized a number of expensive building projects for the military departments. As spring came to D.C., there was good reason for optimism in the new territory.

Within four years, however, it would be difficult even for optimists to see any glass in the District as half-full. By 1874, the territorial government was gone, Congress ruled the District through unelected commissioners, the city's economy was depressed, and its treasury heavily indebted. In a clear understatement, Green writes in her history of the city that "the short life of the Territory of the District of Columbia was tumultuous."<sup>29</sup> Central to the brevity and downfall of the territorial government was Alexander "Boss" Shepherd. This powerful member of the Board of Public Works, and later Territorial Governor of the District, gained his nickname for his willingness to "plunge the District into debt" in order to modernize the city's infrastructure while riding "roughshod over everybody and everything that stood in his way."<sup>30</sup> With the local and national

legislatures watching, he went on a spending spree that caused the District's debt to skyrocket. By the time Congress reined him in, Boss Shepherd's own accounting revealed that the Board of Public Works had expenses nearly three times greater than their appropriations. The situation was only made worse by a national depression that struck in the fall of 1873.<sup>31</sup> Once again, the federal and local governments were brought into conflict over the economics of financing the District. In the summer of 1874, Congress resolved the conflict by removing all elected officials and "temporarily" replacing the territorial government with three presidentially-appointed commissioners.<sup>32</sup>

The financial mismanagement of the territory convinced many local whites that any government elected, even in part, by black voters would be doomed to failure. Local papers blamed the "curse of Negro suffrage" and the incompetence of the legislators blacks voted into office as the cause of the territory's failure and spread the idea that blacks "were responsible for every disaster of the territorial regime."<sup>33</sup>

Some members of Congress shared this racist view. As Robert Harrison notes, Senator "Thomas F. Bayard of Delaware made explicit what many of his colleagues felt: 'I . . . have not the least doubt, as a question of fact, that negro suffrage has been a very sickening business to the unhappy people of this District and to those who brought it here; and I have no doubt that as a matter of fact this bill seeks to accomplish the complete abandonment of that most absurd attempt to govern this District through the instrumentality of its most ignorant and degraded classes.'<sup>34</sup>

The new white commissioners put in place to make the city solvent, however, had fiscal problems of their own. "According to one computation, the commissioners, so far from having reduced the District debt, had increased it by \$5,200,000."<sup>35</sup> In the four years after the end of the territorial government, Congress intermittently debated, when it wasn't again distracted by contested Presidential elections, what form the new District government should take.<sup>36</sup> Local residents' opinions on the future of home rule were split by class and race, with some residents arguing for the continuation of commissioner rule and others arguing for a return to some form of self-governance. "In the end," Green contends, "the factor that probably carried greatest weight among influential people and partly reconciled even dissidents to a permanent loss of home rule was the realization that Congress would never agree to share expenses unless it could also maintain direct supervision of the local government."<sup>37</sup> In 1878, congressional passage of a new Organic Act made permanent the "temporary" commissioner system of government and pledged the federal government to pay half of the District's expenses.<sup>38</sup>

The rise and fall of the territorial government is a prime example of the confluence of the issues of economics, race, and the structure of District governance. An ineffective council system that bickered with Congress over its Reconstruction-inspired mandates proved so inept in the face of the post-Civil War influx of people into the city that something had to change. Amidst fears that the federal government might leave the city and take the wealth of the District with it, residents proposed alternative structures of governance and Congress approved a federal-local hybrid territorial government. The territory, still under congressional oversight, dropped deep into debt as an economic depression swept the country and an outraged Congress turned around and replaced what little local control there was with "temporary" unelected commissioners who created debt problems of their own. Local residents, one-third black and divided by race and class,

could not offer a unified alternative for governing the city. Congress, adopting a dramatic return to the federal-local relationship of the early 1800's, made the commissioner system permanent in 1878 and attempted to get rid of the pesky financial question by pledging to cover half the costs of the District. In the short span of a decade, all the main ingredients of conflict between Congress and D.C. residents mixed together in the birth and death of the Territory of the District of Columbia.

### *A Period of Calm*

Conflict between District residents and Congress generally subsided in the three decades after Congress instituted the commissioner system and assumed half the city's finances. District residents remained relatively quiet despite their lack of control over the local government because they feared losing the economic stability provided by Congress. In the first years of the city, the fear was that Congress would leave, but by the late nineteenth century those fears had been put to rest. Now the fear was that if District residents rocked the boat by calling for local control or any type of change, Congress would back away from the "half-and-half" arrangement that provided much needed financial stability.<sup>39</sup> The hesitancy to push for home rule was reflected in the local press. In her history, Green found that newspapers at the end of the century, including those with both white and black readerships, "generally opposed restoration of a popularly elected government" with only a couple "consistently [taking] the line that a local electorate including colored men could do no worse for itself than did federal appointees."<sup>40</sup>

One notable exception to the general reluctance to speak out was the discussion of a constitutional amendment in Congress in the late 1880's that would provide District residents with national representation – votes in Congress and the Electoral College – but no home rule. Senator Henry Blair of New Hampshire introduced a resolution for such a constitutional amendment first in 1888, and again the following year, after reading a series of articles published by "Theodore Noyes, son of the editor of the [*Washington*] *Star*" newspaper.<sup>41</sup> Blair's resolutions did not go anywhere, but the concept of a constitutional amendment for national representation, and Theodore Noyes as its advocate, would go much further.

## **The Movements for National Representation and Home Rule Begin: 1900-1959**

*“When the wise men of Congress, in 1874, abolished the territorial government of the District of Columbia, disfranchised its 250,000 citizens, legislated Boss Shepherd, then Governor, out of office and put the administration of the capital into the hands of three super-commissioners appointed by and responsible only to the will of the President – when they had made that radical change, they probably thought that they had launched a Noble Experiment in municipal government. It may have been undemocratic and un-American. It may have violated our fundamental formula that there shall be no rule without the consent of the governed. But that did not matter.”*

*~ Frederick Essary, “An Adventure in Autocracy,” 1930.<sup>1</sup>*

What began slowly in 1880 as a push for national representation gained momentum in the first half of the twentieth century to become the first sustained movement by D.C residents to gain political rights. Alongside this drive for representation in the Electoral College and Congress grew another political movement deeply intertwined with the struggle for equal rights – the drive for home rule. Local advocates for national representation and those in favor of home rule, despite both wanting an expansion of suffrage for District residents, grew further apart as the century progressed. The divide between the groups was, to some degree, based on disagreements of political principle and pragmatism. But the dominant wedge between the two camps, whose most outspoken advocates were white, was their different attitudes on the issue of black suffrage in the District.

Racial prejudice also heavily influenced Congress’ attitude toward the proposals for national representation and home rule. Year after year members of Congress introduced bills, held hearings, and occasionally issued reports on national and local suffrage. But, in the first sixty years of the century, little changed. Local advocates’ lack of success, despite their persistence in these years, is due in large part to their inability to present a united front in the face of a Congress disinclined to adjust any aspect of D.C. residents’ political rights. Their work was made even more difficult because of the resistance of a House District Committee that grew more conservative and segregationist by the decade.

Advocacy for local and national suffrage in the first sixty years of the 20<sup>th</sup> century was heavily influenced by two long-term trends –the decline of the federal payment to the city and the increasing segregation of the city. As the years passed, Congress steadily abandoned its commitment to subsidizing the District’s expenses. In 1930 Congress officially moved away from the half-and-half arrangement stipulated in the Organic Act of 1878 by adopting a policy of covering only 40% of the District’s costs. Five years later, they abandoned the percentage system altogether and committed to providing the District \$9,000,000 annually.<sup>2</sup> Even this “lump sum” commitment did not hold. By 1934, Congress appropriated only \$5,000,000 and even as that number increased with the New Deal and World War II, the federal payment never exceeded 16% of total District revenue in the years between 1957 and 1961.<sup>3</sup> Commenting in 1961, researcher Martha Derthick simply explained, “There is no formula, statutory or other, by which the federal payment is determined . . . Instead the amount is determined annually as a function of the commissioners’ persuasiveness before Congress.”<sup>4</sup> As the federal government became a less significant and less reliable source of the District’s financial stability, more Washingtonians became active and vocal for change.

While the number of voices for political change grew, so too did whites’ acceptance of segregation. Segregation had gained steam in the District after the turn of the century, despite the increasing proportion of white residents, and by the 1910’s was established as the norm.<sup>5</sup> The prejudice that existed against black suffrage following the demise of the territorial government was only heightened in a city that moved to separate whites and blacks in nearly every aspect of life.

### ***The Drive for National Representation***

The push for representation in the Electoral College and Congress began as a project of the city’s white elite and stayed that way until 1961. The movement began to take root around 1915 when the Board of Trade, which represented the business interests of the District, felt that the need for a voice in Congress overrode any hesitation they had previously had about disturbing the federal payment.<sup>6</sup> Two years later, the Board of Trade, Chamber of Commerce, and a number of other white civic organizations founded the Citizens’ Joint Committee on National Representation for the District of Columbia with Theodore Noyes at its head.<sup>7</sup> The Joint Committee, along with allies in Congress, succeeded in raising the profile of the issue and gaining congressional attention. Aiming to minimize objections, national representation advocates strategically supported a constitutional amendment that gave Congress the “power to admit to the status of citizens of a state the residents of the District.”<sup>8</sup> This type of enabling legislation would not immediately enfranchise District residents if passed. Instead, it would only give Congress the *power* to enfranchise District residents. The proposal was further limited by stipulating that Congress could grant the District only one senator if it desired. By 1921, this limited proposal garnered the first congressional hearings specifically regarding District residents’ voting rights since they lost the vote in 1801.<sup>9</sup> The Senate District committee went so far as to favorably report the amendment out of committee in 1922, but it went nowhere after that.<sup>10</sup>

To the dismay of national representation advocates, no bills in the three decades after 1922 fared any better in subsequent Congresses. It was not for lack of trying. On Capitol Hill, numerous representatives and senators put forward a range of bills that would grant national representation to D.C. in one form or another. Proposals included the minimal provision of a non-voting delegate, the possibility of representation in the House but not the Senate, voting power limited to “no greater than that of the people of the States,” and even a bill that would create the State of Columbia out of the District.<sup>11</sup> Beyond Capitol Hill, District residents tried to gain support from across the country. During the nation’s sesquicentennial celebration in Philadelphia in 1926, the Federation of Citizens’ Associations of the District of Columbia distributed handbills that included the text of the song “My District ‘Tis of Thee” which lamented the status of the nation’s capital as the “Land without liberty.”<sup>12</sup> Similarly, the Joint Committee greeted out-of-town celebrants of Franklin Delano Roosevelt’s first inauguration with a pamphlet announcing an “Inauguration Greeting from the Semi-Citizens of Disfranchised Washington.”<sup>13</sup> By taking their case beyond the District, local advocates for national representation spread awareness and achieved small victories. In 1935, the governor of California signed a resolution passed by the state legislature calling on Congress to send an “enabling” amendment, which would empower Congress to grant D.C. national representation, to the states for ratification.<sup>14</sup> While the activity of local advocates ebbed and flowed over the decades, there is no question that a movement for national representation was born in the 20<sup>th</sup> century.<sup>15</sup>

### *The Drive for Home Rule*

The movement for national representation had a twin in the movement for home rule. Early in the 20<sup>th</sup> century, the differences between the two movements began to crystallize. National representation advocates focused on gaining votes in Congress and the Electoral College while supporters of home rule felt their energy was best spent gaining an elected municipal government with control of the budget for the District. Like advocates of national representation, home rule advocates put forward a range of alternative structures of governance in the first half of the twentieth century. These included statehood and retrocession, but the strongest emphasis was placed on the less dramatic proposals that called for some elected municipal government co-existing with limited congressional oversight.<sup>16</sup>

Home rule proponents came from a broader segment of society than the core support for national representation. Before the mid-1940’s the main organization supporting home rule was the small District Suffrage League.<sup>17</sup> Following World War II, home rule had “support coming from organized labor, the League of Women Voters, the NAACP, citizens associations, much of the local press, and others.”<sup>18</sup> The Washington Home Rule Committee, which formed in 1947 as the successor to the District Suffrage League, had a notably biracial membership.<sup>19</sup>

The mediocrity of the city’s appointed commissioners spurred home rule supporters to act. The District’s large, complex and, in many locals’ eyes, inefficient, city government was the product of a post-World War I population boom combined with the general shift in the twentieth century toward expanded government bureaucracy.<sup>20</sup> By

1928 the Board of Commissioners was encumbered by over two dozen independent or partly independent agencies and a Senate report on District governance “required nine volumes of text and enough charts to paper the walls of a room” in order to describe the state of the municipal government.<sup>21</sup> Despite both congressional recognition of the need for reform and a broad local base of support, the home rule proposals fared no better than their national representation counterparts.

Myriad factors prevented the success of both political movements, but two reasons for failure predominated. First, internal division among local advocates prevented the development of a unified determination for change and, at times, led local residents belonging to one movement to undercut the efforts of the other. Second, strong congressional opposition, which grew in strength as segregationists came to dominate the House District Committee mid-century, blocked any change.

### ***National Representation and Home Rule – Divided Movements***

Advocates of national representation and home rule did not always find common cause – though they tried. In the mid-1920’s District Commissioner Proctor Dougherty argued that

“no matter what your views concerning local municipal government may be, no matter whether you favor or oppose the present commission form of municipal government . . . you can, without sacrifice of any views you may entertain, join with other Washingtonians of diametrically opposing opinions concerning local government to fight shoulder to shoulder for national representation, which is of supreme importance to you all.”<sup>22</sup>

Only two years later, Dr. George Havenner of the Federation of Citizens Associations countered by contending that “for nearly a quarter of a century certain of our citizens have been working for what they style ‘national representation.’ After all these years of work we are today just where we started. The time has arrived when so-called ‘national representation’ should be relegated to the rear and every effort made to secure local suffrage.”<sup>23</sup> Despite the potential for greater success, neither side’s call for unity was ever whole-heartedly heeded by the other and this undoubtedly lessened the support for both movements.<sup>24</sup>

There is an important difference, however, in the positions between the outspoken members of the two movements. Whereas Dr. Havenner advocated a focus on home rule while placing national representation on the back burner, many national representation advocates had no intention of ever supporting home rule.<sup>25</sup> Theodore Noyes, for instance, claimed that “the genuine American political birthright is not municipal self-government, but national representation.”<sup>26</sup>

Another powerful group promoting national representation while opposed to home rule was Board of Trade. Begun in 1889 as a civic-minded and biracial association of local businesses leaders, the Board of Trade quickly gained influence with the city’s commissioners and the members of the congressional oversight committees. By the early twentieth century, however, the Board of Trade had become an all-white organization and narrowed its focus to only pursue policy it believed would improve the business climate of the city.<sup>27</sup> Members of the Board of Trade, according to Constance McLaughlin Green,

feared they might lose influence under a locally elected government. In a 1941 Senate hearing, Board of Trade members adopted the “adroit technique . . . of bypassing the topic of municipal self-government by focusing the discussion on seats for the District in Congress.”<sup>28</sup>

While some national representation supporters may have shunned home rule because of their acceptance of the principles of congressional oversight or their belief that home rule meant nothing without national representation, the dominant reason why many white elites did not extend their desire for suffrage to the local level was because they feared a government beholden to black voters.<sup>29</sup> The editors of the *Washington Herald* summed up this attitude in a 1937 editorial: “For years it has been the habit to whisper that Washington cannot have self-government because of ‘the Negro vote.’ According to this thesis, bloc voting by colored people would give them control of every aspect of municipal affairs in the National Capital. To deny that such an opinion exists among a majority of persons in Congress and the city at large is to dodge reality.”<sup>30</sup> In the spring of 1938, one advocate of home rule argued against the instigators of a “whispering campaign” stoking racial fears as a means of opposing locally elected municipal government while another derided the fear of a “colored mayor” as a “bogey” issue.<sup>31</sup> Congresswoman Mary Norton of New Jersey, who headed the District Committee from 1930-1937, recognized this racially motivated opposition among the city’s elite. Writing in *Woman’s Home Companion* in 1944 she explained, “the opponents of District self-government . . . are largely the well-to-do older citizens of Washington who are quite satisfied with the status quo . . . [of] low taxes on the real estate they own . . . . The arguments offered by the old-liners are so many red herrings. Among these the Negro bugaboo looms largest.”<sup>32</sup>

William Press, an executive director of the Board of Trade, admitted in two interviews in the early 1960’s that his organization felt “there’s not a thing wrong with having Congress as our city council” and “that racial bias could, and undoubtedly does, influence” to some degree the positions of local organizations on both sides of the home rule issue.<sup>33</sup> Writing in the *Nation* in 1956, the city’s unofficial historian Constance McLaughlin Green was outspoken about the source of local opposition to home rule. “Although belief in white supremacy did not create a voteless Washington,” she wrote, “anti-Negro sentiment is preserving it. It is no secret that a powerful group of business men unobtrusively discourages Home Rule on the grounds that colored votes would authorize huge bond issues, pile up ruinous debt, depress local real estate values and drive whites into moving to Virginia and Maryland.”<sup>34</sup> Even though a majority of District residents were white until the mid-1950’s and nobody in the city knew what types of candidates black voters would support, racist fears were enough to lead many powerful Washingtonians to oppose home rule.

White elite opposition would not have frustrated home rule advocates as much were it not so effective. Conservative local opinion against self-government resonated with and influenced members of Congress. Congresswoman Mary Norton, an inside observer of decision-making on District matters, described the “opponents of District self-government” as “influential and articulate.”<sup>35</sup> In 1948, Congressman James Davis of Virginia expressed his high esteem for the “substantial people” who made up the Board of Trade. “They are the people,” he claimed, “who are fitted and qualified to say what

government is good for this District.”<sup>36</sup> Members of Congress were not the only ones to recognize the influence of the white elites represented by the Board of Trade. George Galloway, a “senior specialist in American government of the Legislative Reference Service” expressed his take on the opponents of home rule at a 1951 Senate hearing. “The Washington Board of Trade is a coalition of the business and financial interests in this community which has controlled the town for many decades . . . [they have] employed all the techniques of a social lobby to defeat this [home rule] legislation. They have given fancy dinner parties in Washington hotels, and clambakes in season down on Chesapeake Bay.”<sup>37</sup> The local opposition to home rule was wealthy, white, as well as active, and it found a receptive audience in Congress.

### ***Congressional Opposition to National Representation and Home Rule***

Between 1878 and 1961, Congress did next to nothing to change the political rights of District residents. The one notable exception during these 80 years was when Congress, in 1940, finally allowed District residents the same access to the federal courts available to residents of the states.<sup>38</sup> During the rest of this period, however, Congress did not pass any of the numerous bills introduced for national representation or home rule. Some of this inaction can be attributed to general congressional inertia. But this inertia was compounded by the fact that the District residents were the constituents of nobody and therefore had no congressional representative beholden to them who could champion either cause.<sup>39</sup> Concerns over exclusive jurisdiction and the appropriate representation for a non-state also played a role in congressional perpetuation of the status quo.<sup>40</sup>

But, as with local opposition to home rule, a significant aspect of the congressional opposition to both national representation and home rule was opposition to enfranchising black residents of the District. This resistance to change grew stronger in the twentieth century as the District committee gained more southern representatives.<sup>41</sup> Green points to “objections to a partly Negro electorate” in discussing congressional opposition to national representation in the 1920’s and noted the role of race and Southern Congressmen in shaping congressional treatment of D.C.<sup>42</sup> For example, Green recounts the experience of Elwood Street, Welfare Director for the city, during the New Deal. When Street requested money to increase the services his office provided to young black girls, Representative “Ross Collins of Mississippi, chairman of the House Subcommittee on District Appropriations . . . looking the social worker in the eye, said, ‘If I went along with your ideas, Mr. Street, I’d never keep my seat in Congress. My constituents wouldn’t stand for spending all that money on niggers.’”<sup>43</sup> By 1961, Martha Derthick observed that, in general, the House District Committee

“acts to exclude the Negro from participation in local government and to limit the benefits that Negroes derive from government. It is conservative also on issues that have no overt racial implications. It is consistently reluctant to authorize new taxes or expenditures . . . The committee is the source of more bitterness and passion than any other institution in the District.”<sup>44</sup>

While other factors no doubt led certain members of Congress to oppose national representation and home rule, there can also be no doubt that opposition to black suffrage played a significant role behind the opposition to any enfranchisement of District residents.

Throughout the first half of the twentieth century, local advocates spearheaded dual political movements to gain national representation and home rule. They, along with congressional allies, persistently put forward a broad range of strategies. But, the divisions between the movements within the city hampered efforts while racist prejudice in Congress ensured that every District suffrage bill met a dead end. In 1959, there was little reason for District residents to expect that only two years later they would gain the right to vote in presidential elections.

## The 23<sup>rd</sup> Amendment: 1959-1961

*Section 1. The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:*

*A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.*

*Section 2. The Congress shall have power to enforce this article by appropriate legislation.*

*~ Amendment XXIII, U.S. Constitution*

On March 29, 1961, when the 38<sup>th</sup> state ratified the amendment that had been sent to them by Congress, District residents gained the right to vote in presidential elections. Washingtonians living in the territory originally ceded by Maryland would be able to cast their ballot for the commander-in-chief for the first time since 1800. The amendment's passage signified the first substantial change in District residents' voting rights since the territorial government was abolished in 1874. For these reasons alone, the 23<sup>rd</sup> amendment is significant.

However, the importance of this milestone in D.C.'s history extends beyond the amendment's provision of suffrage. In the process of its passage through Congress and ratification by the states, the amendment occasioned a number of important precedents. Foremost among these is the fact that, in 1961, Americans agreed to change the Constitution to provide political rights for the District of Columbia. While the idea dates back to Alexander Hamilton's suggested amendment at the New York ratifying convention, the 23<sup>rd</sup> amendment's passage demonstrated that it is possible for D.C. residents to gain suffrage through the vehicle of a constitutional amendment. Since this time, the idea of a constitutional amendment for congressional representation has been understood as a real possibility. The other precedent set by the 23<sup>rd</sup> amendment is the efficacy of compromise. The original text of the amendment provided for a broader expansion of rights than what eventually became law. Local residents and congressional sponsors, for better or worse, chose to compromise certain goals, at least in the short-term, to ensure the amendment's success.

While the practicality of constitutional amendments as a means of gaining political rights and the importance of compromise are the legacies of the 23<sup>rd</sup> amendment, they do not explain how this bill succeeded in becoming law. Instead, the explanation for the success of the 23<sup>rd</sup> amendment lies in the pressure placed on Congress by the civil rights movement and the unity of local advocates behind the proposal.

The story of the 23<sup>rd</sup> amendment begins on August 10, 1959.<sup>1</sup> That day Benjamin McKelway, editor of the *Evening Star*, published an editorial calling for an alteration to a proposed anti-poll tax amendment to include text that would grant District residents full national representation in the Electoral College and both houses of Congress.<sup>2</sup> A number of senators supported McKelway's idea and, following hearings in August and September, a bill was reported favorably out of the Senate Judiciary Subcommittee on Constitutional Amendments. According to research conducted by Anthony Thompson a few years later, the version that left the committee and eventually passed the Senate, narrowed the original proposal for full representation to the more limited proposal of "three delegates in the House of Representatives with powers to be determined by Congress; and representation in the electoral college equal to that which the District would be entitled to if it were a State."<sup>3</sup> Explaining why representation in the Senate was dropped, Senator Kenneth Keating of New York said, "knowing the complexion of the Senate I am sure it would sound the death knell of any Senate legislation if we tried to make this a statehood bill in any way."<sup>4</sup> Regardless of whether Keating's reference to "complexion" was meant to include skin color as well as attitude, the point was that there were limits to congressional support for national representation, even in a civil rights context.<sup>5</sup>

The bill then moved to the House where it was pared down further. On May 10, 1960 the House Judiciary Committee "passed a watered-down version of the District suffrage amendment, eliminating congressional representation altogether and limiting the District" to no more representation in the Electoral College than the least populous state.<sup>6</sup> While there was precedent for this latter limitation, why this wording was added on at this point in the legislative process is a question that deserves further research.<sup>7</sup> Stephen Diner notes that, had this clause not been added, the District's 1960 population would have garnered five Electoral College votes, rather than the three it eventually gained.<sup>8</sup> The entire House took up the now-limited proposed amendment for debate on June 15<sup>th</sup> and after only two hours of discussion with "not a single dissenting opinion" the amendment passed and was sent back to the Senate.<sup>9</sup>

At this juncture, Senate Majority Leader Lyndon Johnson held a "private conference" to hear the opinion of Benjamin McKelway, the newspaper editor who provided the spark for the amendment and had been closely following the legislation since. According to Thompson, "Mr. McKelway, a man with a thorough understanding of political realities, said that he felt that half a loaf was better than no loaf at all." It seems that Johnson found this to be a sufficient endorsement. A day after the House passed its version, the Senate did the same.<sup>10</sup> On June 16, 1960 the proposed amendment was ready to be ratified by the states.

Thompson, in his detailed study of the amendment's passage, asked the important question, "Why did this resolution pass Congress in the year 1960?"<sup>11</sup> Why, after 160 years of disenfranchisement and at least 40 years of a sustained push for national representation, did this specific proposal pass Congress? Thompson's answer is a mix of context and commitment. The growing civil rights movement had created pressure on Congress to pass some legislation, and unified local advocates made national representation into a civil rights issue that Congress could take to the nation.

It would be hard to overstate the importance of the civil rights movement in the story of the 23<sup>rd</sup> amendment. Only five years before McKelway published his editorial, the Supreme Court handed down the *Brown v. Board of Education* ruling which included a decision on *Bolling v. Sharpe*, the desegregation case related to District schools.<sup>12</sup> Soon after, the entire nation witnessed the Montgomery Bus Boycott and then the dramatic integration of Little Rock Central High School. For this reason, Stephen Diner writes, “as civil rights became the dominant issue of domestic politics nationally, the question of home rule for the District became thoroughly intertwined with the larger issue of civil rights.”<sup>13</sup>

From beginning to end, congressional passage of the 23<sup>rd</sup> amendment was enabled by many members of Congress’ desire to get some civil rights legislation passed. The anti-poll tax amendment, which served as the initial vehicle for McKelway’s proposal, had early support because its Senate sponsors “felt they might be able to head off a more drastic civil rights bill.”<sup>14</sup> As the bill took form there was movement in the Senate “to accept a bill for enfranchisement of Washingtonians as civil rights legislation” in a congressional session where “Senate Majority Leader Lyndon Johnson had labeled civil rights as a ‘must.’”<sup>15</sup> But, there were limits to the lengths Congress would go to satisfy the need for such legislation. For example, Thompson notes that “if a provision for representation in Congress had been insisted upon by local supporters,” no amendment would have passed.<sup>16</sup> By reducing the bill to limited representation in the Electoral College, conservatives were able to gain a “non-controversial ‘substitute’ for a strong civil rights measure.”<sup>17</sup>

The provision of Electoral College representation was not only a way for Congress to relieve civil rights pressure, but it was also perceived by some members of Congress as a pressure release for the home rule issue. Thompson argues that, “the fact that the national suffrage resolution may have presented a very convenient alternative to local suffrage cannot be overlooked.”<sup>18</sup> Supporting this contention, he reports that “Representative Joel T. Broyhill, of nearby northern Virginia, said that certain parties both on the Hill and locally backed the proposal in order to stop home rule. He pointed out that ‘the amendment would give Washingtonians a vote so they can’t say they don’t have it.’”<sup>19</sup>

The surprising speed at which a shrinking national representation amendment went through Congress put home rule advocates in a bind. Should they put their efforts into a unique opportunity for suffrage even if it might relieve some of the pressure on home rule? Advocates of national representation were pushing the amendment and by 1960, home rule supporters had good reason to distrust them.<sup>20</sup> Over the decades it had become obvious that some supporters of national representation shared the congressional desire to push for legislation that would take the pressure off of home rule. A good example of this sentiment was Washington Taxpayer Association spokesman Rufus Lusk’s statement in support of a bill that would grant the District a non-voting delegate to the House proposed in 1953. The *Washington Star* reported Mr. Lusk explaining his support for the proposal: “The principal reason why I am for this bill is this: If you get this bill enacted, you won’t get home rule, which is the last thing that I want.”<sup>21</sup> But, the tantalizing possibility that District residents might gain something, however modest, after so long impelled home rule advocates to overcome their reservations. Despite their initial hesitation, home rule

advocates had joined their traditional local opponents in April and moved under the umbrella of the revived Citizens Joint Committee for National Representation.<sup>22</sup> As Elwood Davis, chair of the Joint Committee, put it, “substantial people had no alternative but to back it or say they didn’t love their mothers.”<sup>23</sup> Although it is impossible to know the impact of local unity on the bill’s passage through Congress, Thompson asserts that “the political climate was ripe and the final bill was non-controversial, congressional opinion could not help but have been impressed by the strength and unity of the local stand.”<sup>24</sup>

There is no question, however, that the unified work of local advocates was decisive in the ratification of the amendment. Immediately after the amendment passed Congress, advocates used funds from Theodore Noyes’ trust to establish the Committee for the Presidential Vote and got to work.<sup>25</sup> Help came from all corners of the community. The *Washington Star* “sent out material and covering letters to some 200 editors of dailies” nationwide; the local chapter of the United States Junior Chamber, the Jaycees, found supporters in the states; and Carl Shipley, the chair of the local Republican Party, played an instrumental role in convincing his counterparts in New Jersey and Ohio to support the amendment in their state legislatures.<sup>26</sup> Cumulatively, Thompson concludes, “these local efforts made the crucial difference between ratification and rejection.”<sup>27</sup>

Ratification was extremely swift. The assent of 38 states in 286 days made the ratification of the 23<sup>rd</sup> amendment the second fastest in U.S. history – even faster than the repeal of prohibition.<sup>28</sup> Although Arkansas rejected the amendment and Tennessee was the only state in the South to approve it, District residents had plenty to cheer about.<sup>29</sup> They had succeeded in amending the Constitution to gain a modicum of suffrage that had been denied them since the birth of the nation’s capital.

After the intensity and rush of success in gaining some national representation, home rule advocates still did not have what they wanted. And although the *Post* wrote hopefully, shortly after ratification, that passage of the amendment “made the nation more aware than ever of the lack of self-government” in D.C., Thompson reports that in 1963 “Mr. Sturgis Warner, a strong supporter of home rule, admitted that ‘there are no prospects [for home rule] in the foreseeable future.’”<sup>30</sup> Thompson took a similar view himself. “As long as Congressional leaders continue to pack the [House District] committee with conservative Southern representatives,” he wrote, “home rule has virtually no chance whatsoever. Only when political pressure forces a change in the nature of the committee will a home rule bill get through to the floor.”<sup>31</sup> Thompson had no way of knowing the prescience of his words.

## **Fruits of the Civil Rights Movement**

### **Home Rule and the Birth of Statehood: 1961-1974**

*“I came to this Capital almost 35 years ago. I have spent a good part of every year since that time as a resident of Washington . . . Here I have lived with my family. Here, also, I have made many lasting friends and we have enjoyed the manifold beauties and the opportunities of this great beautiful city. Therefore, not only as President, but as a resident, I feel very deeply the obligation to help liberate the people of this city--to extend to them the same democracy which is part of the life of the citizens of my other home in Texas.”*

*~ President Lyndon Johnson, Sept. 3, 1965<sup>1</sup>*

*“Lord help us if those niggers ever get home rule.”  
~ Unnamed white lawyer from Arlington, VA. Washington Post, 1966<sup>2</sup>*

The dozen years following passage of the 23<sup>rd</sup> amendment was the most significant era of political change in twentieth-century Washington. In this short time, the century-long struggle for home rule took on a new tone, strategy, and most importantly, urgency. Influenced by the civil rights movement and products of it, local activists began demanding democracy more vocally than ever before. As the decade progressed, growing frustration among the city’s black majority exploded into riots in April 1968 that burned considerable parts of the city and showed the country that something was terribly wrong in the nation’s capital.

Following the riots, re-energized local activists made D.C.’s lack of home rule a national issue. Along with congressional allies, they combined the gains of the civil rights movement with a politically sophisticated grassroots lobbying effort so that by 1973 District residents were poised to regain the local control they had lost after Congress abolished the territorial government in 1874. But, their momentum could only take them so far before running them into entrenched congressional opposition. The home rule bill that was signed into law at the end of 1973 fell far short of its champions’ hopes. The circumscribed delegation of power signed into law by President Nixon was a limited victory. Home rule, as the newly-born statehood movement pointed out, was one small step toward equal citizenship.

#### ***The Struggle for Home Rule Returns***

The unity between home rule and national representation advocates that proved so valuable in the push for the 23<sup>rd</sup> amendment disintegrated after its passage. Following that

victory and throughout the 1960's, home rule advocacy groups such as the Washington Home Rule Committee returned to Capitol Hill calling for local control while organizations such as the Board of Trade continued opposing these efforts.<sup>3</sup> Promoters of home rule, however, had a difficult time sustaining their behind-the-scenes lobbying efforts. As "Ben Gilbert, *Washington Post* City Editor from 1945 to 1971 observed, 'There would be some interest [in home rule], there would be some enthusiasm, it would go nowhere, it would be moribund for a while and then it would be picked up again.'"<sup>4</sup>

Part of the reason it was difficult to sustain a lobbying effort can be attributed to the strength of the local and congressional opposition. Working closely together, the Board of Trade and Southern-dominated House District Committee all but ensured the demise of home rule legislation. Former appointed City Council chairman John Hechinger remembered that the Committee "was tied to the Board of Trade lock, stock, and barrel. It was really rough because why give those niggers a vote? And that would resonate back in Mississippi . . . It took years to turn the Board of Trade around to favoring home rule."<sup>5</sup> So long as the Board of Trade and House District Committee were opposed, home rule remained a steep hill to surmount.

As the civil rights movement gained steam, the media began to strip away the facades of the arguments against home rule. The caution born from fear of losing the federal payment, which in earlier years constituted a justifiable concern, was less persuasive when the federal payment had not amounted to more than twenty-five percent of the city's budget since 1929.<sup>6</sup> *U.S. News and World Report* pointed this out in 1964, noting that in "opposing self-government few organizations or individuals ever refer to the issue of race – which is recognized privately as the real issue – with stress placed instead upon financial problems that would be faced in a city with so much property off the tax rolls."<sup>7</sup> According to the *Washington Post*, the president of the District' Board of Commissioners, Walter Torbiner, provided further support of the racial nature of resistance to home rule when he testified in 1965 that a large, but rarely articulated source of opposition to home rule was the prospect of a majority-black city government. His claim was bolstered by a 1966 Harris poll which revealed significant resistance to "Negro control of the Capital."<sup>8</sup>

Contemporary charges of racism were also supported by House District Committee Chairman John L. McMillan's "iron-fisted control of the city."<sup>9</sup> A white, Southern Democrat from a rural district in South Carolina, McMillan was perhaps the most influential individual in District politics since Boss Shepherd. Acting as the city's de facto mayor, or an "absentee landlord" as one critic called him, McMillan made himself "a symbol of Congressional resistance to home rule for the city and for the domination by white Southern congressmen of the affairs of a city with a majority of black residents" and the House District Committee the "notorious graveyard for home rule."<sup>10</sup> While some colleagues and activists credited McMillan for his dedication to what he perceived as the District's interests, the *Washington Post* editorialized in a retrospective on his congressional career that, during his reign, McMillan "used every trick at his command to ensure the continued subjugation of this community's citizens."<sup>11</sup> Through the 1960's and early 1970's McMillan was the single greatest obstacle to home rule.

### ***President Johnson's Failed Attempt to Secure Home Rule***

More so than any President before or after, Lyndon Johnson spent considerable political capital attempting, unsuccessfully, to push home rule legislation through Congress. Early in his term, in July 1965, he proposed legislation providing for an elected mayor and city council which quickly passed through the Senate.<sup>12</sup> Despite his legendary ability at getting his way, Johnson encountered high hurdles in the House District Committee and the full House. His bill was the sixth home rule measure to be approved by the Senate since 1949 and none of the previous five had made it to a House floor vote.<sup>13</sup>

Just two days before signing the Voting Rights Act of 1965, Johnson sent a letter to Speaker of the House John McCormack in which he emphasized his firm belief that the Senate's home rule bill "must not meet the fate" of previous home rule bills.<sup>14</sup> Despite Johnson's wishes, the bill languished with the House District Committee. In response, the White House, along with District advocates such as Joseph Rauh of Americans for Democratic Action, led an unusual effort, utilizing a seldom-used House rule, to discharge the bill from the committee and have it debated by the entire House.<sup>15</sup> On September 3, the administration secured the necessary majority of House members.<sup>16</sup> That same day, Johnson made a televised address about D.C. home rule in which he declared that "until today a small group of men in the House of Representatives have kept the Congress from exercising its will. Now the House of Representatives is going to vote. And I am confident that the House will affirm the right to democracy for the almost 1 million citizens of the Capital City."<sup>17</sup>

It was in this same address that Johnson, personally identifying himself as a District resident and ardent home rule supporter, explained that "as a resident, I feel very deeply the obligation to help liberate the people of this city--to extend to them the same democracy which is part of the life of the citizens of my other home in Texas."<sup>18</sup>

Despite Johnson's effort, the success of the discharge petition, and his avowed confidence, the President's home rule legislation never made it out of Congress. Instead, the House passed an alternative proposal that called for a special commission to draft a home rule charter and sent it into conference committee with the Senate version.<sup>19</sup> Senate Minority Leader Everett Dirksen (R-IL) "said he would 'stand in a state of marvel and wonderment at the wisdom of the Senate-House conferees if they could resolve the differences between the bills.'" Supporting Dirksen's appraisal of the situation, House Majority Leader Carl Albert (D-OK) bluntly referred to home rule as a "dead duck."<sup>20</sup> The House had stymied the strongest push yet for home rule. Reflecting on Johnson's failure, Roger Wilkins, who served as an assistant to the President on civil rights matters pointed out that "McMillan doesn't need anything the President's got to give him."<sup>21</sup> Others blamed the Board of Trade or a confluence of factors for killing the legislation.<sup>22</sup> Whatever the reasons for the effort's failure, the lesson local activists learned was that the "White House clearly wasn't capable" of securing home rule for District residents.<sup>23</sup> In the end, local control of the city would only be gained through the concerted efforts of local activists, partnered with congressional allies, mounting a national grassroots lobbying campaign.

Following the defeat in 1965, congressional discussion of home rule subsided while talk of congressional representation, which was less controversial locally, continued. Various members of Congress attempted to link District voting representation with other electoral reforms that were proposed in 1966 and 1967, but none of these efforts went very far.<sup>24</sup>

In February 1967, Johnson returned to home rule and announced in a special message to Congress his intention to use his executive power to reorganize the District government.<sup>25</sup> In what came to be known as Reorganization Plan No. 3, Johnson stipulated in an Executive Order that the three District commissioners be replaced by a mayor, deputy commissioner, and a nine-member city council, all appointed by the President and confirmed by the Senate.<sup>26</sup> As *Congressional Quarterly* noted, the “chief advantage of using the Reorganization Act to revamp the D.C. government was that it enabled the President to bypass the House District Committee because reorganization plans went through the separate, and more receptive, House Operations Committee. There the committee members had sixty days within which to reject the plan before it became law. That waiting period passed and on August 11, 1967, Johnson’s plan went into effect.”<sup>27</sup>

At the time of making his appointments, two-thirds of the District’s 800,000 residents were black and Johnson made a point of nominating a black mayor and a black majority for the city council.<sup>28</sup> For mayor, Johnson tapped Walter Washington, a Howard University alumnus and former director of the National Capital Housing Authority.<sup>29</sup> To chair the first city council in generations, the President appointed a white businessman, John Hechinger.<sup>30</sup> Upon Senate confirmation of Johnson’s appointees, the face of District government became significantly different in form and color from what it had been only months earlier.

Changing the face and structure of the city’s government, however, was not the same as providing home rule. Unable to alter congressional oversight of the city without congressional legislation, Johnson could only construct the facade of a representative municipal government. Writing after the reorganization, *Post* columnist William Raspberry noted that “reorganization is not democracy; it is not home rule; it is not transfer of power.”<sup>31</sup> In other words, having failed to persuade the House to embrace substantive change, Johnson used his presidential power to make a largely superficial, albeit highly symbolic, modification. Remarking to the press about the reorganization, Julius Hobson, a prominent activist in the city scoffed, “instead of three people not representing me, I now have eleven.”<sup>32</sup>

Hobson’s sentiment was shared by many District residents and it represents an important shift in the city’s political landscape that occurred during the 1960’s. The national civil rights movement had an enormous influence not only on congressional attitudes toward the District, but also on local residents’ attitudes toward District politics. It was in this decade that the city saw a surge of local activism in response to a variety of growing urban challenges. Police brutality and a proposal to construct large freeways through many city neighborhoods, two issues that were tinged with racial prejudice, generated enormous activity from concerned Washingtonians.<sup>33</sup> As the decade progressed, activists, especially black activists, became louder, bolder, and more militant, no longer willing to wait years for changes in the status quo. Within the story of home

rule, the two most influential local campaigns of the period were the short-lived Free D.C. campaign and the struggle to overhaul the city's public school system.

### ***Free D.C and the Restructuring the Public Schools***

In June of 1965 a charismatic young leader of the Student Nonviolent Coordinating Committee, Marion Barry, came to head the organization's District chapter.<sup>34</sup> He wasted no time making an impact on the city's politics. Responding to a proposed increase in the bus fare, Barry led a successful boycott against the bus companies in January 1966.<sup>35</sup> Brimming with momentum, Barry and a number of other local activists started the Free D.C. campaign, an initiative designed to counteract the Board of Trade's resistance to home rule. Inspired by the Board of Trade's own campaign to raise \$100,000 to fight home rule, Free D.C. organizers set out to raise the same amount of money from local business to support home rule. To do this, on February 21, 1966, they announced a plan to boycott any business that did not sign a petition supporting home rule, display a Free D.C. sticker in their storefront, and donate money to the fundraising drive.<sup>36</sup> The campaign caused an immediate controversy and provoked accusations of extortion. Three days after the initial announcement, organizers changed plans and announced that contributions to Free D.C. would be voluntary. The boycott proceeded in March, but its impact was difficult to gauge. Even more difficult was maintaining momentum within the Free D.C. coalition, and by May 1966, the movement began to stall.<sup>37</sup>

Although Free D.C. was unable to sustain economic pressure against the Board of Trade, it was successful in providing a focal point and visible platform for city activists interested in lobbying their case for self-determination aggressively. As Michael Sachse explains in his study of home rule in the '60s and '70s: "Free D.C. made home rule front-page news. Whereas past efforts had sought the allegiance of Congressmen, and were therefore ignored by District residents, Free D.C. lobbied Washingtonians for their support."<sup>38</sup> Sam Smith, a journalist and member of Free D.C., later remembered that campaign members "were a bunch of barely 30-year old troublemakers. We weren't respectful of our elders. We weren't respectful of the power structure. It is true and it is also the way we were seen."<sup>39</sup> The Free D.C. movement did not last long, but it had a lasting impact in the city by galvanizing activists to use a more aggressive approach in demanding local control of the District.

All the headlines, however, could not make home rule the top priority for most District residents. An October 1966 survey conducted by the *Washington Post* showed that even though 69% of District residents supported home rule, "it ranked a lowly sixth on the list of community priorities." As one woman explained, "Can you eat and sleep home rule? Can they make jobs with home rule?"<sup>40</sup> And in 1966, another pressing question to ask was, can home rule fix the school system?

Most residents, activists, and politicians acknowledged by the mid-60's that the D.C. public school system was failing to provide a quality education for many of its students, especially black students.<sup>41</sup> Many attributed the school system's failure to a school board structure unresponsive to local needs and demands. Since 1906, the city's

schools had been directed by an unelected school board appointed by judges of the U.S. District Court for the District of Columbia.<sup>42</sup> Seeing structural change as one remedy for the school system's ills, local activists began two initiatives in 1965. Hoping to use media attention as a leverage point, Rev. Channing Phillips started a new organization calling for an elected school board, while Julius Hobson filed a lawsuit which, in addition to challenging the academic tracking system, also argued that the court-appointed school board itself was illegal.<sup>43</sup> Within two years, "criticism had become so intense that the judges of the U.S. Court of Appeals and the District Court voted unanimously in June of 1967 to ask Congress to relieve the court of responsibility for appointment of school board members."<sup>44</sup> President Johnson responded in August by requesting that Congress provide an elected school board. To the surprise of many District residents, Chairman McMillan and other members of the House District Committee supported the President's proposal and it passed the House in September 1967 and ultimately became law with Johnson's signature on April 22, 1968.<sup>45</sup> When District residents voted on November 5 of that year for school board members representing the eight wards established by the legislation, it was the first time Washingtonians had been allowed to vote for local officials since Congress took away the franchise in 1874. Perhaps a decade earlier, the school board elections and Johnson's reorganization would have been cause for celebration. But by 1968, it was too little too late.

### ***1968 Riots***

On April 4, 1968, hours after news of Martin Luther King Jr.'s assassination reached the District, riots broke out and the city began to burn. By 3 A.M., rioters had looted one hundred and fifty stores and set seven fires, while the police had responded by arresting two hundred people. That first night thirty people were injured and one man was dead.<sup>46</sup> By the time the riots ended, entire blocks of the District was burnt or destroyed. The violence brought 11,600 National Guard troops into the capital and ultimately caused \$15 million in damages. It also led to 7,570 arrests, 1,166 injuries, and seven deaths.<sup>47</sup> Although D.C. was not the only city that erupted into a riot following King's death, it had added significance as the nation's capital and as the nation's largest majority-black city.<sup>48</sup> The riots highlighted a simple fact of life for Washingtonians looking for answers, rebuilding plans, or accountability: there were no locally elected officials to whom they could turn.

Gauging the impact of the riots on the history of home rule is no easy task. Longtime District activist Sam Smith has argued that "one of the untold stories about Washington's home rule history is that the riots really did cause things to happen . . . I think people were really scared. I think Congress was scared. I think the White House was scared. They knew they had to do something, even though they [could not] control the riot itself."<sup>49</sup> Smith supports his contention by pointing out that three years after the riot D.C. gained a nonvoting delegate and home rule followed two years after that. Looking at the local political dynamic in his history of the fight for home rule, Michael Sachse argues that the riots "redirected the focus of advocates like Barry and removed the luster from [appointed] Mayor Washington's government, thereby opening the door to gradualist efforts based upon influence and moderation." Furthermore, activists "involved

in the civil rights movement but marginalized by District radicalism, claimed home rule leadership as their cause” and positioned “themselves as compromise candidates, in touch with the black community and respected by District whites.”<sup>50</sup> Cautioning against a conclusion that the riots were the key factor in leading to home rule, however, is the House District Committee’s approval of an elected school board prior to the riots, indicating that Southern Congressmen were already beginning to loosen their grip, either voluntarily or from pressure.

In the political history of the District, the riots represent both the culmination of simmering resentment and powerlessness felt by many blacks and the tipping point that ushered in a new dynamic in attitudes toward the city. The violence in the spring of 1968 stunned Washington as well as the nation and left a lasting wound. While the depth of the riots’ impact on the political dynamic may never be determined, it is clear that the riots were a watershed moment for the city. As local reporters Harry Jaffe and Tom Sherwood reflected in their book, *Dream City: Race, Power, and the Decline of Washington, D.C.*, “people will always define the city’s history as ‘before the riots’ and ‘after the riots.’”<sup>51</sup>

Immediately following the riots nobody knew how to heal the wound or move forward on home rule. Congress did not know how to react and local advocates had no immediate plan. As *Congressional Quarterly* bluntly stated in the opening of its annual review of District affairs, “Congress in 1969 completed little action dealing with the District of Columbia.”<sup>52</sup>

### ***Non-Voting Delegate for the District and the Birth of the Statehood Movement***

Two years after the riots, local activists began to turn in a new direction and build bonds with national advocacy groups. Together, local and national organizations reached out like never before to educate and inspire action among voters in the fifty states in the hopes that national efforts would push Congress to rectify D.C.’s lack of home rule and congressional representation.

The first example of this local-national partnership was the League of Women Voters’ 1970 push for congressional representation. Months of planning and hard work by members of the D.C. League of Women Voters led the national organization to adopt voting representation in Congress for District residents as a focal point of its 50<sup>th</sup> anniversary campaign dubbed “Year of the Voter.”<sup>53</sup> The League’s goal was for all 1,300 chapters to work to collect 1.5 million signatures supporting voting representation for District residents. The petition drive, which strategically avoided the more controversial issue of home rule, began on Tax Day, April 15, and carried the slogan “D.C. – Last Colony.”<sup>54</sup> By the end, the League had collected 1.2 million signatures.<sup>55</sup> For the first time in the city’s history, a national grassroots lobbying organization adopted the District’s lack of democracy as its cause and raised the profile of the issue to new heights.

Although Congress did not seriously consider voting representation for the District that year, by the fall the League’s petition had put momentum behind the proposal for a nonvoting delegate in the House.<sup>56</sup> In August, the House District Committee recommended, over Chairman McMillan’s objections, that Congress re-establish the delegate position they took away along with the territorial government.<sup>57</sup> But, a delegate bill that seemed too far-reaching in the House was held up in the Senate for providing too

little representation for District residents. Senator Edward Kennedy of Massachusetts, concerned “that passage of the nonvoting delegate bill would interfere with efforts toward real congressional representation,” placed the bill on hold. His resistance to such an incremental piece of legislation paralleled that of many District residents who were eager to see more dramatic change. Eventually, city officials and Senate colleagues convinced Kennedy to let the bill pass.<sup>58</sup> The nonvoting delegate law was signed by President Nixon on September 22, 1970 and it set in motion a special off-year election in 1971 – the first congressional race in the District since 1872.<sup>59</sup>

The campaign to fill the delegate seat revealed the political fault lines within the city. The one Republican candidate and the seven Democrats in the crowded race struggled to distinguish themselves by explaining how willing or unwilling they were to compromise. Days before the January 12 primary, *Congressional Quarterly* reported that among the top three Democratic contenders, two “moderates” were opposed to the construction of freeways through the city while the third, “former Councilman Joseph P. Yeldell countered, ‘I’m the least militant of the three . . . But I’m not conservative.’” On the day of the primary election, a *Washington Star* article reported that “the town wore no election-day air, even though many voters regarded it as the first ‘real’ election of their lifetimes.” Explaining his lack of enthusiasm, one interviewee stated, “I’m not too excited, because I really do think we deserve a hell of a lot more than this – how can you get excited about this kind of tokenism?”<sup>60</sup> Democratic contenders fought hard for the delegate seat, but many District residents found it difficult to share their passion.

Julius Hobson, however, was one man who could never be accused of lacking passion. A blunt “Marxist and atheist who once labeled himself the city’s ‘gadfly,’” Hobson served a controversial term on the elected Board of Education before entering the delegate race.<sup>61</sup> In early 1971, after the Democratic primary, a number of local activists, black and white, gathered to encourage Hobson to run for delegate.<sup>62</sup> This meeting provided the occasion for the birth of both Hobson’s campaign and the Statehood Party. Statehood, as an idea, was nothing new.<sup>63</sup> But its modern incarnation was based on an article entitled “The Case for D.C. Statehood” that Sam Smith wrote and published in the June 1970 edition of the *DC Gazette*, which he edited.<sup>64</sup> The article didn’t generate much interest in the summer, but in the spring of ’71, when Hobson asked those drafting him to run for delegate, “Well, what sort of platform am I going to run on?” someone brought up Smith’s article and after some discussion, Hobson decided, “I like that . . . That’s what I’m going to run on.”<sup>65</sup> Right then and there Hobson’s candidacy and the Statehood party were brought to life. As statehood activist Lou Aronica remembered, to “some people, it was Julius Hobson running. To some people, it was statehood.”<sup>66</sup> They were not easily distinguished. When the returns came in from the election on March 23, Walter Fauntroy, a Baptist minister, director of the Southern Christian Leadership Conference’s Washington office, and the Democratic candidate, won the race.<sup>67</sup> With only 13% of the vote, Hobson did not gain a seat in the House but, his vocal campaign did succeed in changing the landscape of modern District politics.<sup>68</sup>

The introduction of statehood advocacy into District politics had both an immediate impact on the fight for home rule and a long-lasting effect that is still felt today. By dismissing home rule as a second-class solution that “would leave District residents short of full citizenship,” statehood supporters “shifted the center of the home

rule debate.”<sup>69</sup> D.C. as the 51<sup>st</sup> state was radical, and, in comparison, home rule was reasonable. Jan Eichhorn, a leader in the successful push for home rule, later acknowledged that Hobson and other statehood activists’ opposition to home rule legitimized their more moderate home rule stance and “gave us some credibility.”<sup>70</sup> Advocates for statehood did not get what they wanted in the 1970’s, but they did reframe the debate over home rule in a way that persists to this day.

### ***Laying the Groundwork for a National Home Rule Lobbying Campaign***

While Congress and District residents were deliberating over a non-voting delegate, a group of well-connected local home rule activists began planning a strategy to make the fight for home rule into a national campaign. In late 1970 and early 1971, members of the District chapters of Americans for Democratic Action and the League of Women Voters brainstormed the idea of a “coalition of national organizations supporting and working for Home Rule and voting representation in Congress.”<sup>71</sup> An exploratory meeting in February led to further discussions and by July 1971, newly-elected Delegate Fauntroy accepted the co-chairmanship, along with Republican Senator Edward Brooke of Massachusetts, of the recently formed Coalition for Self-Determination for the District of Columbia.<sup>72</sup>

Representing its dual focus, the group divided itself into national and metropolitan coalitions. At both levels, Self-Determination for D.C. succeeded in attracting a diverse group of partners. National member organizations included: Americans for Democratic Action, League of Women Voters, Common Cause, Southern Christian Leadership Conference, NAACP, U.S. Conference of Mayors, United Auto Workers, as well as a number of national religious denominations. Locally, the multi-ethnic coalition included the D.C. chapters of these national organizations as well as groups such as the Washington Urban League, the Committee for Aid and Development of Latin Americans in the Nation’s Capital, and the Jewish Community Council.<sup>73</sup> Self-Determination’s broad coalition was unprecedented in the history of local activism for democracy in D.C. The civil rights movement and the riots had made enough activists aware of the need to work together to solve some of the city’s structural problems and Self-Determination helped forge a new path for District advocacy.

The Coalition also distinguished itself from its predecessors by focusing on a national grassroots lobbying campaign while at the same time cultivating local support. Although they may not have been equally successful on both fronts, under the leadership of executive director Jan Eichhorn, Self-Determination for D.C. was, for example, able to run national phone-banking campaigns while simultaneously hosting local house parties – all on a \$24,000 budget.<sup>74</sup> District residents encouraged their counterparts in the fifty states to pressure their Congressmen for action on D.C. and then reached out to neighbors to plan their own local outreach efforts. Unlike earlier groups such as the Citizens’ Joint Committee on National Representation or the Washington Home Rule Committee, which preferred “to function out of a Rolodex than out of a ballot box,” the Coalition did both.<sup>75</sup> Combining well-organized constituent pressure, local volunteer efforts, and an effective behind-the-scenes lobbying campaign, the group succeeded where others had failed. It was not the will power of District residents alone, though, that led to passage of home

rule. The voters of South Carolina also played a key role.

### ***“Johnny Mac Ain’t Going Back”***

Two days after the 1972 Democratic congressional primary in South Carolina, the *Washington Post* editorialized that “the decision in South Carolina this last Tuesday – perhaps the most important decision for this community in years – was not made by the people here.”<sup>76</sup> Rep. John McMillan’s constituents had voted not to send him back to Washington. After thirty-four years in the House and over two decades as chair of the House District committee, McMillan was primarily defeated by two factors: first, the Voting Rights Act dramatically increased the number of black voters in McMillan’s district.<sup>77</sup> Second, D.C. activists, schooled in the civil rights movement and led by Walter Fauntroy, went down to South Carolina in both 1970 and 1972 to build opposition against McMillan. While other factors no doubt played a role in McMillan’s defeat, as the poll returns came in on September 12, 1972, Fauntroy could confidently state: “This victory serves as both an inspiration to the forces of goodwill in the country and as a warning to those who oppose self-determination for the District that a new generation of political activists has arrived on the scene who are capable of acting with the utmost skill to affect congressional elections.”<sup>78</sup> McMillan’s defeat was a culmination of a civil rights movement that enfranchised blacks in South Carolina and produced activists like Fauntroy who, in turn, galvanized those new voters. In an interview later in life, Fauntroy talked about the personal significance of the victory. “I’ll never forget the day,” he said, “because the news was, Johnny Mac ain’t going back.”<sup>79</sup>

The importance of McMillan’s defeat was crystal clear to contemporary observers. The “effect of the election result,” the *Post* predicted, “will be to bring the right of self-determination within close reach and to hold out new prospects that the days of colonial tyranny McMillan-style are numbered.”<sup>80</sup> Following the 1972 election, the membership and leadership of the House District Committee changed dramatically. Rep. Charles Diggs of Michigan, the first chairman of the Congressional Black Caucus, became chair of the District Committee and six of the seven committee members from Southern or border states were replaced.<sup>81</sup> With Diggs as committee chair, home rule had a better chance of passage than ever before. But success was not yet assured.

### ***93<sup>rd</sup> Congress – New Congressional Terrain Allows for Successful Campaign***

Home rule activists looking ahead in early 1973 had good reason to be excited. Not only had Diggs replaced McMillan, but a number of other factors had changed the home rule landscape since the riots. First, President Nixon, although not a home rule booster like Lyndon Johnson, did not act as an impediment on home rule.<sup>82</sup> He may have unwittingly helped the cause. According to Jan Eichhorn, his unsavory reputation, getting worse and worse as the Watergate scandal slowly unfolded, boosted support across the country for scrapping a District government composed of Presidential appointees.<sup>83</sup> The post-riot home rule dynamic was also influenced by the introduction of the statehood movement. For the first time, home rule supporters had to justify why they were not calling for statehood. The contrast with statehood made home rule appear all the more

moderate and practical to conservative members of Congress anxious to see a modicum of non-radical change in the District.<sup>84</sup> Finally, and perhaps almost as important as McMillan's defeat, the Board of Trade voted to give cautious support to home rule "for the first time in the group's history."<sup>85</sup> Facing no opposition from the White House, minimal opposition from the Board of Trade, and appearing relatively moderate, home rule activists, along with congressional allies, seized the historic moment and tried to make the best of the 93<sup>rd</sup> Congress.

In a newsletter to its members in March 1973, Self-Determination for D.C. suggested to its readers: "It is now appropriate to ask ourselves about the [House District] Committee's direction and attention under this friendly leadership during the first three months of this Congress."<sup>86</sup> Hearings were scheduled for April, and the organization was not willing to rely on Diggs' good will to get legislation through. Instead, the group "targeted 47 influential or uncommitted members of Congress for special lobbying attention on the home rule issue."<sup>87</sup> On the local level, they looked to energize the city and gain media attention with a creative Tax Day protest on the Southwest waterfront dubbed the "Washington Tea Party."<sup>88</sup> The parody of the Boston Tea Party on the Potomac was followed by a "Day of Mourning" in which residents were "urged to . . . wear black or black armbands" and asked to promote a funeral-like atmosphere by driving with their headlights on.<sup>89</sup> The Coalition's national-local strategy was effective in securing passage of a strong home rule bill through the House District committee. After the bill's passage through the committee, a reporter from the *Washington Star* wrote:

If home rule succeeds, it will be due in no small way to the lobby effort of one organization, 'Self-Determination for D.C.' The organization, composed of 40 member organizations ranging from the League of Women Voters to Common Cause, fielded a sophisticated lobbying effort. Hundreds of volunteers spent thousands of hours on long-distance telephone lines at Common Cause organizing through the 240,000-member Common Cause organization local home rule lobby efforts as far away as California and Michigan . . . Congressmen who had been staunch home rule opponents suddenly began to make conciliatory noises.<sup>90</sup>

While the Coalition did much to push legislation, in the end, the final home rule decisions were made not by outside activists, but by members of Congress. And it was the compromises along the way, made in the face of opposition, which limited the home rule that District residents have today.

Looking at the opposition, on the eve of the April home rule hearings, the *Post* noted that even though most of the traditional opponents of home rule were either gone or now supportive of reform, many advocates still felt the need to have their "fingers crossed."<sup>91</sup> Locally, the strongest opposition came from statehood supporters on one hand and white, racist neighborhood organizations on the other. Alfred Trask, spokesman for the American University Park Citizens' Association, testified that the members of his group just "don't want to be governed by the majority in the District of Columbia. That's about the size of it."<sup>92</sup> Comments such as these from Washingtonians, while startlingly

candid, did not do much to derail home rule, which had overwhelming local support.<sup>93</sup> Congressional resistance, in contrast, was more formidable.

Congressional Republicans and Democrats alike raised the twin fears of being unable to protect the federal interest in the city and unable to control fiscal matters if home rule passed.<sup>94</sup> The media and local residents, however, saw these concerns as evidence of opposition to black control of the city. The *Star* reported that “there have been distinct racial overtones regarding home rule for the city’s 756,000 residents in recent years” including at a hearing in which Rep. John Rarick of Louisiana stated that not only was D.C. “not even in the proper racial balance” but it was also a “sinkhole, rat-infested, [and] the laughing stock of the free and Communist world.”<sup>95</sup> A reporter who interviewed Joseph Rauh, the main local lobbyist behind the 1965 home rule effort, summarized Rauh’s comments before the April 1973 hearings: “Race is still very much the main issue – that is, the fear of an overwhelmingly white Congress to give democracy to a city with a 70 per cent black population.”<sup>96</sup> It was within this racially-charged context that home rule legislation slowly made its way from subcommittee to House floor, through conference committee, and ultimately to the President’s desk.

### ***Home Rule – Something is Better than Nothing***

Throughout the debate in 1973, all home rule proposals fell short of calling for complete budget autonomy or a removal of congressional oversight. As statehood supporters liked to point out, home rule was only a delegation of power, not a transfer of power. In order to have a chance at passage, any home rule legislation had to continue to allow Congress the power to veto laws passed by any proposed city government. A *Post* headline noted prior to the hearings, “How Much Self-Government is Question.”<sup>97</sup> That question was answered by the political necessity of compromise, within the House and also between representatives and senators when they reconciled two significantly different home rule bills in conference committee. Through the 1973 campaign, home rule supporters refused to compromise on some issues, such as an elected mayor and city council, but on many other issues the guiding principle was ‘something is better than nothing.’

The bill that passed the House District Committee on September 11, 1973 provided the legislative framework for subsequent deliberations. This version of home rule called for an elected mayor and thirteen member city council, with eight councilors elected from wards and five at-large members; congressional veto power over any laws passed by the city; significant budget autonomy with modest federal oversight; and prohibitions on raising the city’s building height limit or levying a tax on non-residents.<sup>98</sup> This last restriction, a prohibition on imposing a non-resident income tax, also known as a commuter tax, would make it impossible for the District to collect taxes from commuters who used the District’s public services – such as roads, police protection, and municipal water supply – while employed in the city.

In early October, days before the debate on home rule was to begin in the full House, District Committee Chairman Diggs made a series of compromises in order to secure the support of Rep. William Natcher, a Democrat from Kentucky and the powerful chairman of the Appropriations Subcommittee on the District.<sup>99</sup> The most significant

component of the compromise reduced the District's budget autonomy. Diggs agreed to scrap the proposal for city control over local tax revenue and instead allow Congress to retain complete control over the city's budget – both the federal payment as well as taxes imposed by the elected city government.<sup>100</sup>

The Diggs compromise was a “bitter pill” swallowed by home rule activists and, as anticipated, rejected by statehood supporters.<sup>101</sup> Although Jan Eichhorn later recalled that she would have preferred to “battle it out” on the issue of budget autonomy, she also made clear that Self-Determination for D.C. was “not part of that decision.”<sup>102</sup> Instead, Diggs made the compromise and then persuaded home rule supporters that it was necessary for passage in the House.<sup>103</sup> Delegate Fauntroy, speaking to a *Post* reporter through an aide, said he objected “to portions of the bill as amended but is prepared ‘to play on the team and get the best bill possible.’”<sup>104</sup> Statehood activists, however, decried the compromise. Reverend David Eaton, the pastor of the All Souls Unitarian Church, accused Diggs of “selling his soul” and the souls of District residents in his deal with Natcher. Diggs countered by arguing “we’re not going to get anything through Congress like the purists want.”<sup>105</sup> The push for home rule was grounded in political pragmatism, and in 1973, statehood remained plainly unrealistic.

The *Washington Post* eloquently summarized its reluctant support for incrementalism and the Diggs compromise in an editorial published the day before debate began in the full House.

“Indeed, it is not a bill providing home rule for the District of Columbia; rather, it is a product of the ‘process of accommodation’ that takes place within the House, where bargaining is the name of the game, and where the hopes of Washingtonians can become merely incidental in the maneuvering for votes . . . . [The] House is not voting yes or no to home rule. It is voting on the amount of authority that it may choose to delegate to an elected city government – with the assurance that at any time Congress may reassert its will – or take back the authority completely. But if Washington must attain its rightful degree of self determination in tiny bites, there is no point now in accusing Mr. Diggs or other supporters of ‘selling out.’”<sup>106</sup>

The compromise, for all its shortcomings, did help push home rule through the House. When debate on the bill opened on October 9, 1973, the first time representatives had contemplated home rule on the floor since 1965, Rep. Natcher was quick to publicly announce his support of the compromise.<sup>107</sup> The following day, amidst news of Vice President Spiro Agnew's resignation, the House finally agreed to home rule for the District of Columbia.<sup>108</sup>

Home rule as it is known today was hammered out in conference committee between the House and Senate. Allowed only to observe without a vote, Delegate Fauntroy watched as conferees pieced together a bill heavily weighted toward the House version.<sup>109</sup> Congressional control of the budget, annual authorization of the federal payment, limited control of the judicial system, Presidential power to sustain the mayor's veto of city council-approved legislation, prohibitions of building heights and commuter taxes, and a requirement that minority parties be represented in the city council all made it

into the conference report that was sent back to the House and Senate for final approval in late November.<sup>110</sup> Without fanfare or much debate, the House passed the conference version on December 17.<sup>111</sup> Two days later, the Senate voted to send the bill to President Nixon whose Christmas Eve gift to the city was signing the legislation into law.<sup>112</sup>

Local reaction to home rule's passage was mixed. Appointed Mayor Walter Washington tried to look on the bright side when he said, it "is not the whole loaf but we got a large piece of self-determination . . . it is worthy of celebration after 100 years."<sup>113</sup> But many Washingtonians adopted a more subdued attitude. Robert Asher, a staffer on the *Post's* editorial page, wrote just before home rule's passage:

Had anything like [this home rule legislation] squeezed through Congress eight or ten years ago, the air in this suffrage-starved town would have been charged with political excitement. But today . . . to hear it from some of the most vocal figures in the city, the bill is a shallow, meaningless gesture by the congressional overlords, a ploy to distract everyone from the proper goal of complete local self-determination.<sup>114</sup>

By 1973, home rule was an achievement, but for many District residents it was difficult to imagine a whole-hearted celebration in its honor.

Indeed, the ten years prior to home rule's passage had indelibly changed the politics of the city. A growing civil rights consciousness, accompanied by rising radicalism and militancy, had made modest reform proposals such as home rule increasingly difficult to defend by the 70's. Earlier groups such as the Home Rule Committee could not sustain their efforts in the face of intense local and national racial opposition. Even President Johnson could not overcome that opposition. Still lacking home rule, District residents' frustration and anger exploded into riots in 1968 and only further demonstrated the need for substantial change. Out of this turmoil came two fresh political forces calling for change in D.C. One of those new forces was the statehood movement. More radical and operating from the fringe, it drew the home rule debate away from being a 'yes or no' question and made it a question of 'how much.' While statehood remained a fringe political cause through the early 1970's, it was an idea that was waiting in the wings.

More moderate in its goals, and better organized as a whole, was the Coalition for Self-Determination for D.C. Politically savvy enough to mobilize a multiracial national grassroots lobbying campaign, and pragmatic enough to settle for home rule instead of statehood, this group did more than any in the city's history to push forward the cause of local autonomy. Capitalizing on Walter Fauntroy's successful campaign to defeat Chairman McMillan on his own turf, Self-Determination for D.C. organized Washingtonians and constituents nationwide into a strong driving force that ultimately provided the pressure necessary to gain the needed votes in the House.

Yet, as District residents rang in the new year of 1975, the prospect of limited home rule left many Washingtonians unsatisfied with their continued second-class citizenship. For some, hope lay not in the District Building, but rather on Capitol Hill. After fifteen years of keeping the issue on the back burner, District residents were once again ready to fight for votes in Congress.

## **The Story of the D.C. Voting Rights Amendment: 1974-1985**

### *Proposed Amendment to the Constitution*

*Section 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.*

*Section 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.*

*Section 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.*

*Section 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.*

*~ D.C. Voting Rights Amendment  
H.J. Res. 554 (95<sup>th</sup> Congress, 1978)*

On January 2, 1975, Walter Washington took the oath of office of mayor of the District of Columbia no longer as an appointed official, but as an elected official. His inauguration not only symbolized the transition to home rule that had been signed into law by President Nixon a year earlier, but also represented the successful advocacy of a coalition of District residents and congressional allies in returning a modicum of democracy to the city after a century-long hiatus.<sup>1</sup> But, there was more work to be done. With a home rule victory so recently secured, this coalition turned its attention to voting representation in Congress.

Utilizing the strategy of constituent pressure that worked well in the fight for home rule, local advocates created the necessary bipartisan momentum in Congress to gain what most observers thought was impossible – passage of a constitutional amendment through Congress guaranteeing District residents the same national representation as the residents of the states. In 1978, two-thirds of both the House and Senate voted in favor of the amendment. The strategies, rhetoric, and electoral pressure of the Civil Rights Movement, coupled with well-organized lobbying, provided the key for success in Congress.

But the Civil Rights Movement could only carry the District's desire for democracy so far. By the time the amendment was sent to the states for ratification, much

of the nation, and in particular many state legislatures, were no longer persuaded that District residents needed the amendment. Moreover, the coalition that had succeeded in Congress subsequently struggled to overcome internal rivalry, disorganization, and poor funding as it attempted to convince legislatures in state capitals nationwide. The uncoordinated ratification campaign was made even more difficult by the rising tide of conservatism that led to the Reagan Revolution. Conservatives, unified and focused after their defeat of the Equal Rights Amendment, actively opposed and ultimately defeated the D.C. Voting Rights Amendment. In 1985, as the deadline for ratification passed, only 16 of the 38 states needed for ratification had given their support to the amendment. For District activists, it was a sad, slow ending to a campaign that had placed congressional voting representation within closer reach than at any other point in the city's history.

Proposals to expand home rule either through statehood or a commuter tax cropped up immediately after elected city officials took the reins of government in 1975, but they were neither as popular nor successful as the push for congressional representation.<sup>2</sup> Jan Eichhorn, executive director of Self-Determination for D.C., summarized the predominant thinking when she recalled, "the moment we got this home rule bill through, all the focus shifted, as it has historically, to voting representation in Congress. I mean, Fauntroy wanted the vote."<sup>3</sup> Indeed, the District's population would have allowed for two House representatives, thereby allowing Fauntroy and one other representative from D.C. a vote.<sup>4</sup>

The 94<sup>th</sup> Congress became something of a trial run for the constitutional amendment. The House had more liberals than in previous sessions and the *Washington Star* reported advocates pursuing a strategy of: "fight to the limit. Rock the boat a little. Get those conservatives in Congress worried about what will happen to them if they vote against the District. Ignore the numbers and don't talk about compromising until the end."<sup>5</sup> Fauntroy shepherded a bill through both the House Judiciary and Rules Committees without significant opposition.<sup>6</sup> But as the bill made its way to the House floor, the prospect that it would muster a two-thirds vote dimmed. Recognizing this, Fauntroy announced his willingness to compromise and settle for one voting member in the House and an unspecified number of senators, but even this could not save the bill. In March 1976, the House rejected the proposed amendment by a vote of 229 to 181.<sup>7</sup>

The elections in the fall of 1976 ushered in a more liberal House and, more importantly, Democrat Jimmy Carter as President. It was just the type of political landscape District activists needed. Utilizing the Democratic majorities, while also maintaining a bipartisan coalition, supporters of an amendment pushed ahead.<sup>8</sup> In September, their efforts received a boost when President Carter publicly announced he supported full voting representation for the District as well as an expansion of home rule.<sup>9</sup> The amendment was voted out of the House Judiciary Subcommittee on Civil and Constitutional Rights with unanimous approval, indicating to supporters that its chances of passage were greater than in the previous Congress. When the amendment made it to a vote in the full House Judiciary Committee on January 31, 1978, "hundreds of city residents who jammed the committee room whooped and cheered at the 27-6 vote." Fauntroy remarked afterward that the large margin of support in the vote tally was

“beyond my wildest dreams.”<sup>10</sup> Only a month later the entire House, voting 289-127, sent the amendment to the Senate.<sup>11</sup>

The success of the amendment in the House, and later in the Senate, was due to the diligence of District activists and bipartisan congressional allies who implemented a national lobbying campaign to bring constituent pressure to bear on reluctant members of Congress. Leading the effort alongside Walter Fauntroy was the Coalition for Self-Determination for D.C. Still supported heavily by Common Cause, the Coalition was able to bring together a wide range of supporters, including businesses such as Westinghouse and Mobil Oil, to lobby for the amendment. Overcoming internal debates over whether to embrace the strategy of statehood, the Coalition put local volunteers to work calling influential constituents across the country throughout the first eight months of 1978.<sup>12</sup> The group was well connected, organized, and had a significant impact. Congressman Thomas Railsback (R-IL), one of a number of targeted members of Congress, acknowledged that he decided to flip his position and support the amendment “after conversations with very good friends who are District residents” including Common Cause lobbyist Richard Clark.<sup>13</sup>

Some members of Congress based their support of the amendment on its merits. Others, however, supported the amendment because they feared they would lose their office if they voted against it. District advocates, patterning their strategy off of the home rule campaign, framed the issue of congressional voting representation as a civil rights issue. That is, they created a situation where “a vote against the D.C. voting rights bill” would be perceived as “a vote against black voting rights because of the large black vote in the District.”<sup>14</sup> Joe Rauh, a stalwart local advocate explained that “lobbying the bill as the civil rights act of 1978 put the other side on the defensive. . . . They had the monkey on their backs from the start.”<sup>15</sup> The strategy was especially effective because D.C. lobbyists could encourage recently enfranchised black constituents in the South to pressure their representatives and senators. The best example of this strategy’s success was Senator Strom Thurmond of South Carolina. While Thurmond claimed in an op-ed piece in the *Post* that he had decided to vote ‘yes’ on the amendment for “one simple reason” – fairness – his votes against both the 23<sup>rd</sup> amendment and home rule, not to mention the newspaper coverage of his stance, reveal that Thurmond was responding to newly empowered constituents and not a newly discovered sense of justice.<sup>16</sup> Similarly, an aide to Sen. James McClure of Idaho, who worked to build opposition to the amendment, “conceded that the racial issue was the biggest stumbling block” to finding other ‘no’ votes.<sup>17</sup> As the *Post* noted, the “amendment’s supporters and opponents generally agree that its success in winning congressional support to date has been due largely to its being linked successfully to the volatile civil rights issue.”<sup>18</sup>

Well-organized lobbies and constituent pressure alone would not have been enough to gain two-thirds majorities in the House and Senate. The third key factor behind the amendment’s successful passage was genuine bipartisan backing. In 1976, the Republican Party platform called for voting representation for the District and, putting words into action, a number of Republicans looked beyond partisanship and saw the issue as one of civil and human rights and not just Democrats’ rights.<sup>19</sup> Republican Rep. Harold Sawyer of Michigan, a member of the House Judiciary Committee, explained, “I

realize that by voting for this I may be adding to the (Democratic) majority in both houses,” but for him the importance of voting rights in a democracy trumped partisanship.<sup>20</sup> Bill Brock, chairman of the Republic National Committee also saw strategic value in supporting the amendment. As a moderate, he believed that the GOP could break the Democrats’ stronghold among black voters if it began to appeal more to urban blacks. Brock put money into his support of the amendment, at one point even printing a full page advertisement endorsing the amendment in a conservative magazine.<sup>21</sup> Enough Republicans, whether under pressure from constituents, their conscience, or the need to expand their partisan base, saw value in supporting the amendment and their votes were integral to its passage.

Some Republican congressmen did actively oppose the D.C. Voting Rights Amendment but their organized resistance did not emerge until the summer of 1978. Even in April, after the House vote, the *Post* reported that there was “little organized opposition” to the amendment either from senators or outside lobbyists. By August, it was a different story. Senators William Scott (R-VA), Orrin Hatch (R-UT), and a number of others led the fight to kill the bill. Senator Hatch argued that he understood the injustice of taxation without representation and that his opposition was centered on the language of the proposed amendment, which he labeled “unconstitutional.”<sup>22</sup> These senators’ opposition was so strong that they filibustered – unsuccessfully - on the Senate floor in an attempt to hold up the legislation.<sup>23</sup> Trying to encapsulate the source of opposition, Senator Edward Kennedy of Massachusetts, a co-sponsor of the amendment, famously remarked that opposition “has seemed to arise from . . . the fear that senators elected from the District may be too liberal, too urban, too black, or too Democratic.”<sup>24</sup>

There was ample evidence to support Kennedy’s contention that conservatives feared District voters’ urban, liberal, and Democratic biases. But it was much more difficult in the late 70’s to demonstrate that racism was a source of opposition to enfranchising District residents. Racism had become a “subsurface issue.”<sup>25</sup> Former staunch advocates of segregation on both sides of the aisle, such as Senators Strom Thurmond and Robert Byrd, were now downplaying their earlier racial rhetoric. Anything that sounded racist would immediately bring trouble. Senator Hatch recognized this when he complained that District advocates had framed the amendment as the civil rights act of 1978. “If race had not been interjected into it, it would have been shot down a long time ago, because everybody knows it’s unconstitutional,” Hatch said. “But nobody wants to be accused of racism.”<sup>26</sup> During the entire debate, there was virtually no mention of the District’s black majority as a reason, in and of itself, for opposing the amendment. However, the fact that the District, a majority-black city, generally voted for Democrats was something that was used to oppose the amendment.<sup>27</sup> In this way, any racial opposition could be cloaked behind the less volatile rationale of partisanship; opposition against enfranchising the District could be portrayed as an anti-Democratic stance, not anti-black. An overlap of blacks in the District and Democrats in the District, which was generally supported by voting statistics, made it much more difficult for advocates in the 70’s, as well as advocates today, to prove that opposition to greater democracy in D.C. grew from racism. From the city’s founding through the home rule debates of the 1960’s and early 1970’s, activists could point to numerous quotes in the public record to show that pure racism was holding the city down. Starting in the mid-1970’s, when overt

racism became a political liability across the nation, this became a much more difficult argument to substantiate.

Whatever the source of the opposition, it was not enough to stop the amendment in the Senate. Senator Kennedy used a parliamentary maneuver to assure a floor vote and Vice President Mondale provided not only his office, but also last minute lobbying clout, to help amendment supporters. With 99 senators present on August 22, the amendment needed 66 votes to secure the two-thirds majority. When the votes were finally counted, 67 had voted in favor and 32 against.<sup>28</sup> With that roll call, Congress approved a constitutional amendment granting full voting representation to District residents and sent it to the states for ratification.

Some contemporary observers argued that the only reason the amendment garnered enough votes to pass the Senate is that senators could comfortably assume that it would be rejected during the ratification period. Supporting this notion is Strom Thurmond's statement that "Senate passage of the question will permit it 'to go to the grass roots, where the state legislatures can submit it to the people of all the states,'" which some contemporary observers saw as an echo of Sen. John Sparkman's (D-AL) stance that "he would not have voted for the bill if it didn't require ratification by the states."<sup>29</sup> While not active in moving the legislation at the time, D.C.'s second delegate to the House, Eleanor Holmes Norton, subscribed to this argument in a 1993 interview saying, "Congress assumed the states wouldn't ratify it. That's why they passed it in the first place."<sup>30</sup>

Regardless of the rationales behind the votes, Congress did pass the amendment and, in doing so, they set another precedent. Gaining full voting representation through a constitutional amendment was no longer a pie-in-the-sky idea. Congress had done what few thought possible. Looking ahead immediately after the Senate vote, John Callahan, director of the National Conference of State Legislators, predicted that the amendment "may have smooth sailing" through the ratification process.<sup>31</sup> His cautious optimism proved to be wishful thinking.

### ***The Failure to Ratify the D.C. Voting Rights Amendment: 1978-1985***

Once the D.C. Voting Rights Amendment left Capitol Hill, it could no longer be carried by the Civil Rights Movement. Unlike Congress, whose members remembered the sting of the past two decades and whose halls were walked by effective lobbyists from civil rights organizations, many state legislatures were beginning to face a different political movement. State-based conservative political activists were shifting the focus of discourse away from civil rights toward a discourse centered on small government, free markets, and family values. These activists were laying the groundwork for what became the Reagan Revolution.

For these conservatives, the District was not a victim of discrimination. Its residents did not need voting representation. Instead, they needed fewer jobs in the bureaucracy, reduced entitlements, and less welfare. The federal government was the beast and the residents of the District – the land 'inside the beltway' – were living in and feeding off of the belly of the beast. Conservatives across America were making significant gains in changing the political landscape just as the amendment left Congress.

Even the most well-organized ratification campaign would have faced an uphill struggle to secure the approval of 38 state legislatures.

Unfortunately for District residents, the ratification campaign was far from well-organized. Disjointed from the start and under-funded for its entire seven years, the ratification campaign failed to mount a coordinated effort. In contrast to the unity and focus applied to gaining passage through Congress, the ratification campaign was riven by internal rivalries, partisanship, and disorganization. The problems were apparent from the very beginning.

California was the first state legislature to consider the amendment. Almost immediately after the Senate vote, state legislators in the Golden State introduced a ratification bill. Delegate Walter Fauntroy and City Council Chairman Sterling Tucker flew out to California eagerly anticipating a quick victory, but upon arrival they were sorely disappointed to find that some legislators balked at the steamrolling tactics the amendment's zealous supporters were using to expedite ratification. California's ratification effort stalled. A week later, so did Delaware's. It was not until three weeks after the Senate vote that New Jersey, with bipartisan support and only two hours of debate, ratified the amendment on September 11, 1978.<sup>32</sup> By mid-September, observers and advocates knew that Jason Boe, President of the National Conference of State Legislatures, was right when he noted that ratification "will not be easy."<sup>33</sup>

Part of the reason ratification hit snags so quickly in the states was because state legislatures did not respond favorably to the description of the amendment as the 'civil rights act of 1978.' The race-laden civil rights framework that was successful in Congress backfired in the states. Fauntroy recognized this quickly and tried to revise state lobbying approaches. "Anyone who stresses this as a black issue is undermining the cause," he argued.<sup>34</sup> Fauntroy told a reporter that he "sent word through [his] network" that if black legislators and activists were overzealous in their ratification campaigns, it could hurt the effort.<sup>35</sup> Despite his comments, it was difficult for many in the states to see beyond the racial politics implicit in the amendment and recognize that it would serve all residents of the District: blacks and whites, Democrats and Republicans. The *Post* explained, "as the issue is debated in state after state, the most outspoken, well-meaning advocates invariably are the people who opponents contend will be the primary beneficiaries of ratification – urban, liberal, black Democrats."<sup>36</sup>

Over the entire span of the ratification campaign, the three factors that undermined the advocacy of its supporters most were partisanship, internal rivalries, and a lack of funds. After the Senate vote, there was considerable momentum from Congress and even majority support within the American public for the amendment.<sup>37</sup> But District advocates were not prepared to capitalize on those assets. Six months into the ratification campaign, Joe Rauh, treasurer of the Coalition for Self-Determination for D.C., lamented, "We're so broke we could qualify for debtor's prison." Early proposals from Fauntroy to fundraise \$700,000 and hire a staff of 22 fell through, leaving the Coalition "limping into 1979 with two staffers and not enough money to carry out modest plans for the rest of the month."<sup>38</sup> In January of that year, they were unable to keep up with requests from state legislators for help.<sup>39</sup> The small size of the staff had a direct impact on the efficacy of the Coalition.

Another problem that plagued advocates in the ratification campaign was a lack of bipartisanship. In Congress, Fauntroy and the Coalition took pains to demonstrate the broad base of support for the amendment. This bipartisan focus, however, fell by the wayside during the ratification campaign, especially in the beginning. For instance, Fauntroy and Sterling Tucker, both Democrats, were the only representatives of the Coalition to fly to California.<sup>40</sup> Although ratification campaign literature highlighted the support of Republican luminaries such as Barry Goldwater and Bob Dole, the advocates who delivered the literature and the sales pitch had few bipartisan credentials.<sup>41</sup> Selling the amendment in the states as a bill for human rights, and not just Democrats' rights, was made all the more difficult when the most prominent salesmen were elected Democrats.

Beyond scarce funds and equally scarce Republican support, the biggest problem in the campaign was the rivalry among the amendment's advocates. The coalition that non-partisan activists and local politicians had built during the home rule fight in the early 70's just about dissolved as the amendment went to the states. The *Washington Star* described the situation in December 1978 as a "squabble" over whether Fauntroy, a "black Democrat" and the leader in the earlier congressional fight, should continue to represent the amendment as the ratification campaign went to conservative states.<sup>42</sup>

Outwardly frustrated with Fauntroy, Joe Rauh contended that the "three organizations most important to success of the ratification effort are the League [of Women Voters], Common Cause and 'Bill Brock's Republican Party. As soon as Walter Fauntroy recognizes that, we'll get moving.'"<sup>43</sup>

The two camps tried to overcome their rivalries, but did not succeed. In April 1979, the City Council chartered the D.C. Voting Rights Service Corporation and selected Republican Anthony J. Thompson, great-grandson of *Washington Star* editor and national representation advocate Theodore Noyes, as executive director.<sup>44</sup> The hope was that Fauntroy and the Coalition could work together under this umbrella organization. But, a month into operation, the two former employees of the Coalition quit their new jobs at the Corporation after not being paid.<sup>45</sup> They continued working for the Coalition, the Coalition continued operation separately, and later attempts to bring the groups back together failed.<sup>46</sup>

All combined, the internal squabbles, fissures, and shoestring budgets led to a ratification campaign severely constrained in its ability to effectively promote the amendment across the country. In a different political climate, the amendment might still have had a chance. But in 1978, conservative opposition set out to secure its defeat. And as Johnny Barnes, assistant to Walter Fauntroy, noted with hindsight, "we simply were not ready for primetime . . . the people who had just defeated the Equal Rights Amendment were now waiving their mighty guns on us."<sup>47</sup>

Indeed, conservative activists wasted no time preparing their opposition to the D.C. Voting Rights Amendment. In late September 1978, representatives of the American Legislative Exchange Council (ALEC), Heritage Foundation, Lincoln Center for Legal Studies, and Liberty Foundation all testified against the amendment in front of the Pennsylvania legislature. They framed their opposition in constitutional terms and in terms of their fear that District residents would gain greater power in the federal government than the citizens of the states. William Stanmeyer, "a former Georgetown

law professor who is now associated with the Lincoln Center for Legal Studies . . . argued that elected representatives from the District would take to Congress ‘a built-in conflict of interest.’ He said they would represent ‘a constituency with an extremely high percentage of individuals dependent upon government either for welfare payments or employment.’” In short, D.C. residents would elect representatives who would only inflate an already bloated welfare state.<sup>48</sup>

ALEC took the lead in coordinating the opposition. Unlike amendment supporters, they were well funded and organized. In December of 1978, the organization spent \$15,000 to bring 50 state legislators representing 36 states to a seminar in D.C. to learn how to kill the amendment.<sup>49</sup> Their efforts bore fruit. A *Washington Post* reporter noted how a Wisconsin state legislator carried a copy of a booklet full of opposition arguments published by ALEC which it sent to all 7,000 state legislators in the nation. Indeed, Fauntroy “grumbled” that during the Wisconsin legislature’s debate, the opposition repeated “good ALEC arguments.”<sup>50</sup> The contrast between the advocates and the opposition was readily apparent. According to the *Washington Post*, while “opponents coalesce behind the fine-tuned leadership of ALEC, backers of the amendment flounder in disunity, bogged down by debates about who will direct the ratification effort and what is the best strategy to employ.”<sup>51</sup>

Conservative activists were energetic and well-funded during the campaign, but they did not single-handedly create state-based opposition to the D.C. Voting Rights amendment. A *Post* survey just one month after the amendment’s passage determined that thirteen states – just enough to prevent ratification – were unlikely to vote ‘yes’ on the amendment. “Regionalism, racism, sexism, conservatism, and resentment of the federal bureaucracy,” the article explained, “are among the primary reasons the proposal currently lacks enough support to become the 27th amendment.”<sup>52</sup> The civil rights movement no longer resonated strongly enough in these state legislatures to overcome these objections. Examining the opposition at an individual level, Donald Baker, a reporter for the *Post*, intensively interviewed residents in a small Minnesota town to explore their reluctance to support D.C.’s quest for equal rights. “The good folks of St. Peter are not bigots, but they just don’t see what’s so sinister – as backers of the amendment have suggested – in being white, rural, conservative Republicans and protecting the interests that go with that.”<sup>53</sup> Comments like these revealed the dramatic change in sentiment that was sweeping the nation only fourteen years after passage of the landmark Voting Rights Act of 1965. For many in the late 1970’s, there was nothing wrong with protecting their own voting power by denying the franchise to their fellow Americans living in the District.

Many state legislators apparently held similar views. Of the states that ratified the amendment, all were Democratic strongholds and few were predominantly rural.<sup>54</sup> Also, the issue of race politics nationwide was not just a black-white issue and it generated some unexpected opposition. “Rueben Bonilla, director of United Latin American Citizens, the largest Mexican American civil rights group” in Texas said, it “may be selfish ... but giving the District of Columbia two U.S. Senators would give blacks a disproportionate advantage in lobbying for federal jobs and programs over Hispanics.”<sup>55</sup>

The opposition’s victories outpaced those of supporters from the start and friends of the amendment never caught up. Six months after leaving Capitol Hill, the amendment

was rejected or stalled by eight state legislatures and ratified in only five. The lopsided tally prompted the headline, “D.C. Amendment Drive Moribund After 6 Months.”<sup>56</sup> Three years into the ratification drive, on the “Unhappy Birthday” of the amendment, Joe Rauh noted that no “amendment to the Constitution has ever been adopted with only 6 ratifications in the first year or 10 in the first three. The simple fact is that without a major transfusion of energy into the ratification drive, we are not likely to see the necessary 38 states pass this amendment before the seven-year period for adoption expires in August 1985.”<sup>57</sup> Despite repeated calls to arms, Rauh’s prediction proved true.<sup>58</sup> Only sixteen states ratified the amendment before time ran out after seven years in August 1985.<sup>59</sup> Finding the grace of humor despite the loss, Rauh wrote: “The most apt quotation I can think of as the bell tolls on this hapless effort is what Gen. Stilwell said when he got run out of China early in World War II: ‘It was a hell of a beating.’”<sup>60</sup>

Twenty-four years earlier, state legislatures had ratified the 23<sup>rd</sup> amendment granting District residents limited Electoral College votes and had done so in a relative frenzy, even competing with each other for the honor of being the 38<sup>th</sup> state. Things had changed tremendously in the intervening two dozen years. The key difference was the power of the Civil Rights Movement. In 1961, the country was still trying to cope with bus boycotts and sit-ins. The 23<sup>rd</sup> amendment was civil rights legislation that Congress and the states hoped could address the inequities and quiet the flames. As the riots in D.C. and elsewhere in 1968 demonstrated, it was not enough. Pushing harder, the Civil Rights Movement led to an overthrow of the House District Committee in 1972, opening the way for home rule in 1973. The same factors that brought home rule to D.C. – a well organized, multiracial lobbying group that called on constituents, especially black constituents, to pressure their representatives on behalf of the District – also succeeded in getting the D.C. Voting Rights Amendment through Congress in 1978. But, by that point, the Civil Rights Movement no longer had the same momentum. Many gains had been made, but now the country was experiencing a conservative backlash. As the amendment went to the states in 1978, there was not the perceived need for more civil rights legislation as there was in 1961. To the contrary, conservatives argued that District residents would be overrepresented if the amendment passed. District residents’ lack of voting representation in Congress had remained constant from 1961-1978, and by the time Congress was ready to make a change, the political climate had shifted to the right, and civil rights could no longer carry the cause.

## **Statehood Moves from the Fringe to Mainstream: 1980-1993**

*“We, the people of the free and sovereign state of New Columbia, seek to secure and provide for each person: health, safety and welfare; a peaceful and orderly life; and the right to legal, social, and economic justice and equality.”*

*~Preamble to New Columbia  
Constitution<sup>1</sup>*

*“The idea won’t die because no matter how weird the State of New Columbia would be, how un-American or untraditional in styling and design, it would be no more bizarre or un-American than [D.C.’s] incarnation at the moment.”*

*~ Steve Twomey, “The 51<sup>st</sup> State,”  
Washington Post Magazine, July 4, 1993.*

Statehood was born in the turbulence of the late 1960’s and early 1970’s. Its infancy was guided by a small cadre of dedicated activists who, with the exception of a few school board and city council members, were unable to take the idea into the mainstream. In the early 1980’s, however, a ballot initiative calling for a state constitutional convention caught the moribund Statehood Party by surprise and not only created a constitution for the state of New Columbia but also brought the idea to new prominence. Initially resisted by most of the District’s elected leadership, statehood became the most promising option for gaining congressional representation and full local self-determination after the failure of the D.C. Voting Rights Amendment in 1985. In the second half of the decade, Walter Fauntroy, in a strategic reversal, began pushing for statehood in Congress. His effort had very little grassroots support and few successes. In the early 1990’s, statehood once again received a boost, this time from political heavyweight Jesse Jackson, a newcomer to the D.C. political scene who eventually became the aspiring state’s Shadow Senator. Coordinating with newly elected congressional Delegate Eleanor Holmes Norton and Mayor Sharon Pratt Kelly, the trio added fresh legitimacy to the statehood idea. After two decades of languishing in the wings, statehood finally took center stage.

The push for statehood could not have come at a worse time for the city. Nationally, Congress and much of the country’s politics had shifted toward conservatism. Locally, the city was hobbled by the corruption of Mayor Marion Barry’s administration and later the arrest and conviction of Mayor Barry himself. In addition to political trouble, the economic downturn in the late 1980’s hit the District especially hard and the city was never able to rein in spiraling deficits. As local leaders pushed for equal

democratic rights through statehood, the city government was crumbling. In 1993, when local advocates succeeded in bringing statehood to a vote in the House, relatively few residents and even fewer members of Congress were ready to cede the majority of the District's land to New Columbia. Statehood made its debut and was quickly ushered offstage.

Barely ten years old, the statehood movement was not much of a movement by the late 1970's. Having never gained more than 2500 registrants, the Statehood Party could claim little political influence beyond one city council seat and a handful of school board members elected on the Statehood ticket. Especially after Julius Hobson's death in 1977, the *Post* reported that the Statehood Party had "become a forgotten victim of the Democratic dominance of post-home rule politics and a victim, as well, of the popular push for full District voting representation in Congress."<sup>2</sup> As the decade came to a close, prospects for carving a state from the federal District looked dim.

Then, from out of the blue, the statehood movement got a jump start in 1979, just as the D.C. Voting Rights Amendment was only one year into its seven year run at ratification. As Philip Schrag tells the story in his history of the birth of New Columbia, "the lightning bolt that struck was not sent by blacks, or by the Statehood Party, or by its top office holder, Hilda Mason. It came from two Irish Catholic radicals who were relative newcomers to Washington."<sup>3</sup> Inspired by the structural inadequacies the District faced with its lack of full home rule, Ed Guinan, the founder of the DC Center for Creative Non-Violence – a "hub of anti-war activity" as well as a soup kitchen – and his former intern, Barbara Maguire, launched a ballot initiative calling for the creation of a state constitution and a tax-funded commission to lobby the cause. And they launched it pretty much alone. "It was not . . . Ed Guinan's style to begin an organizing campaign by assembling all the people who might be interested and seeking consensus among them. Instead, in August 1979 he sat down in his living room and wrote out the statute that he wanted enacted. He typed it up, took it to the Board of Elections, and filed it."<sup>4</sup> The Statehood Party only learned of Guinan's proposal from the Board of Elections. Later, when the Party asked him to discuss the idea at one of their meetings, Statehood Party activist Deborah Hanrahan remembers, "He said to us, essentially, 'Join me or dissolve!'"<sup>5</sup>

The initiative divided the Statehood Party's Central Committee, but

Despite deep reservations, party leaders eventually decided to back the initiative campaign. Richard Burning, the Secretary of the Statehood Party, explained "We really had no choice . . . We had to get on board. If it failed, it would seem a repudiation of statehood as a concept. We couldn't successfully separate Ed from the party in the mind of the public. If we tried to divorce ourselves from the initiative campaign, many party members would take a role anyway and we would be unable to deny that key party people were working on it.' 'No one was very enthusiastic,' Hanrahan adds. 'We were just stuck with Ed's filing.'"<sup>6</sup>

After some legal wrangling, the initiative was placed on the November ballot in 1980.<sup>7</sup> The response from the city's most influential politicians was general, but superficial, support. Delegate Walter Fauntroy, however, saw statehood as a direct threat

to the D.C. Voting Rights Amendment, which was fighting for its life in state legislatures. Fauntroy dismissed the widespread support for statehood by explaining that just as “everybody’s against sin and for motherhood,” everyone is going to be for greater democracy in the District.<sup>8</sup> Opposition to the statehood proposal also came from the League of Women Voters and the *Washington Star*. Both preferred to focus on the pending amendment and the *Washington Star* had never been much of a home rule supporter.<sup>9</sup> The *Washington Post* was also split on the matter and published side-by-side op-ed’s from editorial board members arguing for and against the initiative.<sup>10</sup> Little political leadership and some opposition, however, was not enough to stop Washingtonians from throwing their support behind the initiative. On November 4, “the day that Ronald Reagan was first elected President of the United States, the voters of the District of Columbia began the process of turning the District into the fifty-first state. By a sixty-four margin, they approved an initiative to call a Constitutional Convention.”<sup>11</sup> The statehood proposal received majority support in every ward of the city, except the majority-white and vote-heavy area of Ward 3, where 62% of residents voted against the measure.<sup>12</sup>

The first order of business in implementing the initiative was establishing a constitutional convention to draft a founding document for the state. The wording of the measure called for a convention of 45 delegates elected from the eight wards of the city and at-large. Schrag, an elected convention delegate himself, reported that “candidates ran, elections were held, but it is hard to say that there was a campaign.”<sup>13</sup> Local media never took a strong interest, which probably stemmed from and also contributed to a lack of interest among most residents.<sup>14</sup> Exactly one year after the initiative was approved, on November 4, 1981, only 16% of registered District voters cast ballots for delegates to the constitutional convention. With this limited mandate, and after a number of preparatory meetings, these delegates officially convened the Constitutional Convention for ninety working days on January 30, 1982.<sup>15</sup>

The Constitution of the state of New Columbia that came out of the convention on May 29, 1982 reveals the degree to which Washingtonians, and their convention delegates, were politically liberal.<sup>16</sup> Some of the most notable provisions include:

- The right to decide whether to bear a child.
- The right to “noncommercial private, consensual, sexual behavior of adults.”
- A prohibition of the death penalty.
- The right to employment or, at least, the guarantee of a subsistence income.
- A guarantee of non-discrimination in wages and salaries.
- The right of public employees to strike.<sup>17</sup>

Provisions like these were destined to provoke considerable concern among the city’s political leadership. Part of the reason the end product included such left-leaning controversial language is precisely because, as the *Post* noted, much “of Washington’s political establishment has been lukewarm to the statehood movement.”<sup>18</sup> In essence, few moderates or conservatives ever took the statehood idea seriously, and therefore they were not represented at the convention to force compromises that would produce a moderate, and more acceptable, final product. Officials in the city also never gave the statehood

movement serious financial backing. Schrag notes that while a constitutional convention in Hawaii in 1967 had a budget of 1.5 million dollars, and a 1968 convention in Maryland operated with 2 million dollars, the District's constitutional convention was "run on a shoestring" of \$150,000.<sup>19</sup> The constitutional convention, legally established by a majority vote of the District's citizens through the 1980 referendum, never had either the political or financial support of the city's political establishment.

The next step for the New Columbia constitution was ratification. The text of the statehood initiative required a majority vote of District residents for the constitution to be ratified. Preparing for a vote in the fall of 1982, opponents of the proposed constitution rallied. The Board of Trade, continuing its historical reluctance to embrace full home rule, "offered to provide opposition speakers at meetings where the Constitution is discussed and to help in redrafting the document should it be defeated."<sup>20</sup> In the run up to the vote, the *Washington Post* supported statehood in principal, but urged voters to reject the constitution because of its problematic wording. Even one of the delegates to the convention asked Congress to limit the ability of the Statehood Commission to campaign in support of ratification.<sup>21</sup> Organized support for the constitution was minimal. Endorsers included the Democratic State committee, the Gertrude Stein Democratic Club, and the District chapter of Americans for Democratic Action.<sup>22</sup> Walter Fauntroy urged approval, but only because he felt that "rejection of the constitution would send it back for redrafting to the very people" who had written the problematic parts in the first place, "while approval could send it onward to Congress, which could insist that certain objectionable features be removed as a condition to statehood."<sup>23</sup> The opposition was strong, but as with the initiative, enough District residents desired statehood that they were willing to overlook the problems and push for their larger hopes. The constitution was ratified by the slim citywide majority of 53% but, notably, only 19% voted to ratify it in affluent and predominantly white Ward 3. Nearly a year later, in September 1983, after a considerable delay in preparing the necessary documents, the city submitted its petition for statehood to Congress.<sup>24</sup> In three short years, Ed Guinan's dream had become reality and produced a constitution for the state of New Columbia.

### ***Statehood Ascends as the City Descends: 1985-1993***

The push for statehood in the 1980's and early 90's came at a grim moment in the city's history. In terms of governance and finance it was, perhaps, the darkest situation for the city since Boss Shepherd led the District into bankruptcy. Continuing a trend from previous decades, Washingtonians left the city to live in the suburbs. Between 1970 and 1990 the city lost 150,000 residents – a 20% drop in population in just two decades.<sup>25</sup> For those who remained in the city, increasing crime and violence related to an influx of illegal drugs, especially crack cocaine, created a climate of fear. The problem grew so large that two city council members who had lost faith in the city's ability to police itself took the extraordinary step of asking President George H.W. Bush to deploy National Guard troops to help protect District residents.<sup>26</sup>

City council members were not the only ones questioning the city's governance. Mayor Marion Barry, first elected in 1978, began facing intense scrutiny toward the end of his second four-year term, when federal investigators launched a series of corruption

probes into his administration. By 1987, ten District officials, including a close aide to the mayor, had been convicted for various forms of corruption and other investigations were still under way.<sup>27</sup> A national survey that year found that around “half of all Americans believe the District government is more corrupt than other large city governments” which was “a view held equally by blacks and whites.”<sup>28</sup> The investigations would reach a climax three years later with the arrest of the mayor himself.

Crime, government corruption, and a population exodus were accompanied by the deeply troubled state of the city’s treasury. The extent of the problem was made apparent in the 1990 Rivlin Report. Officially titled the “Report of the Commission on Budget and Financial Priorities of the District of Columbia,” the examination of the city’s fiscal woes was directed by Alice Rivlin, a former director of the Congressional Budget Office and researcher at the Brookings Institution. The Commission, which was funded equally by the city and federal government, concluded that the “District of Columbia is in a financial crisis” that was only going to get worse.<sup>29</sup> The Rivlin Report pointed to four root causes underlying the crisis: 1) the growth of the city’s payroll during the 1980’s; 2) a national economic slowdown in 1990; 3) the city’s restricted ability under home rule to control its budget; and 4) the “failure of the federal government to contribute its fair share” to the District treasury.<sup>30</sup>

As the District’s government and finances spiraled downward, the city’s relationship with Congress followed suit. In the early 80s, with the increasing number of conservative representatives, Congress began to adopt a more “meddlesome” attitude toward the District. The *Post* noted in a 1981 article, “Congress Still Rules the Roost in the District,” that lawmakers on Capitol Hill were micromanaging city affairs ranging from waste disposal to affirmative action policy.<sup>31</sup> As the decade wore on, members of Congress became more aggressive in dictating District policy by overturning laws outright or pressuring the city to change its laws. Although Congress had maintained the ability to veto any law passed by the mayor and city council when it granted home rule, it had only exercised the option twice by 1987. “In 1979, it rejected a bill that would have restricted the location of chanceries.” And, in “1981, the House rejected a major revision of the city’s sexual assault law.”<sup>32</sup>

Much more common was Congress’ use of legislative riders – unrelated laws concerning a wide variety of topics tacked onto appropriations bills – to get what it wanted in the District. While the use of legislative riders for things as mundane as mandating the hours of operation of Woodrow Wilson Senior High School’s swimming pool began immediately after the transition to Home Rule, riders became especially aggressive in 1988.<sup>33</sup> In a *Post* story headlined “Congressional Show of Muscle Leaves D.C. Officials Bruised,” the newspaper reported that “yesterday, stunned and angry D.C. officials assessed the tatters of home rule after the House and Senate, in a race with the clock, voted Friday [September 30] to effectively end the city’s abortion program for the poor, repeal a key section of the D.C. human rights law, cancel the residency requirement for city workers and alter the city’s AIDS insurance law.”<sup>34</sup> The “key section of the D.C. human rights law” passed by the Council and approved by the mayor, only to be overturned by Congress, would have prohibited religious institutions, such as Georgetown University, from denying funding to gay student groups. In other words, by adding a rider onto the appropriations bill, Congress gave the District the option of amending the human

rights law to allow discrimination on the basis of sexual orientation or face a freeze on all funds appropriated to the city for general operations.<sup>35</sup> The threat of restricted funding in the appropriations rider made it a *de facto* veto used by Congress to control the District – a tool used to this day.

But it was not just conservative ideology that pushed Congress to scrutinize the District. The malfeasance of the Barry administration called out for congressional investigation and oversight. Senator Tom Harkin, a Democrat from Iowa and chairman of the D.C. Appropriations subcommittee who had generally refrained from criticizing the city, noted that “what’s happening in the District is having an impact [on Capitol Hill]. I think there will be a closer look at [city] appropriations in the future.”<sup>36</sup> This attitude did not bode well for the newly-mainstream statehood movement. Walter Fauntroy, trying to disconnect the link between the city’s troubles and the prospects for statehood legislation argued, “we are not applying for sainthood, we’re applying for statehood.”<sup>37</sup>

Indeed, by 1985, when the D.C. Voting Rights Amendment died, applying for statehood became the “only game in town.”<sup>38</sup> Unfortunately for District residents, Congress had little interest in playing that game. Even traditional allies of the city gave only minimal support to the District’s statehood petition. Walter Fauntroy pushed forward by holding a hearing in May 1985, but he was the only member of Congress in attendance.<sup>39</sup>

A blip of optimism returned to the statehood drive when Democrats regained control of the Senate in January 1987. The possibility of congressional action led a number of local politicians to attempt to make the New Columbia constitution more palatable. Driven by a desire to get at least some type of statehood bill through Congress, they sought to draft a revised constitution without calling another constitutional convention. Toward that end, Walter Fauntroy, Council Chair David Clarke, and Statehood Party City Council member Hilda Mason decided, in a closed-door meeting in February, to revise the 1973 home rule charter to make the majority of the District a sovereign state. With slight wording changes, they moved to offer that document to Congress instead of the left-leaning constitution ratified in 1982.<sup>40</sup> The move angered local activists and at a subsequent hearing the City Council “found itself castigated by a stream of witnesses” outraged that the Council was “abandoning a constitution approved by voters.”<sup>41</sup> Although the hearing highlighted the continuing divisions within the city over strategy, the debate also reveals that by 1987, support for statehood was no longer a fringe idea. The City Council and the city’s congressional Delegate were planning, albeit without much input from city residents, how to gain New Columbia’s admission into the Union.

The alternative constitution supported by the City Council fared better than the original constitution ratified by District residents. With the support of the Democratic House leadership, the statehood proposal made it through both a subcommittee and then the full House District Committee by June 1987.<sup>42</sup> As summer turned to fall, however, New Columbia’s momentum stalled. The proposal lost wind because of neglect, opposition, and the lack of a lobby strong enough to overcome both. Democrats in the Senate, although enticed by the proposition of adding two more Democrats to their ranks, focused their attention on blocking Robert Bork’s confirmation as a Supreme Court Justice.<sup>43</sup> Assistant Attorney General Stephen Markman made clear when he testified

before the House District Committee that President Reagan “vigorously opposes” statehood and, a newly empowered source of opposition came from Representative Stan Parris, a Republican from northern Virginia and stern critic of the District.<sup>44</sup> Parris gained influence in the summer of 1987 when the death of Rep. Stewart McKinney (R-CT), a supporter of a commuter tax and general ally of the District, made Parris the ranking Republican on the House District Committee.<sup>45</sup> In stark contrast to McKinney, Parris feared a commuter tax directed at his constituents and also any increase in the influence of liberals in the Senate.<sup>46</sup> His opposition helped prevent the bill from moving anywhere after it passed the District Committee. In the face of little support and significant opposition, statehood advocates mustered only a modest campaign, with some observers criticizing Walter Fauntroy’s efforts as disorganized.<sup>47</sup> A Democratic Senate generated a spurt of activity on statehood, but it was more a flash in the pan than sustained heat. Recently defeated on multiple fronts, advocates for democracy in D.C. were tired and out of momentum.

### ***Mayor Barry’s Arrest and the 1990 Election, New Leadership and Energy: 1990-1993***

Politics in the city completely changed on January 18, 1990. That day, FBI agents arrested Mayor Marion Barry in a D.C. hotel for smoking crack cocaine – an offense that was caught on videotape. While this was far from the end of Barry’s political career, his arrest and subsequent decision to drop out of the mayoral race dramatically changed the political landscape of the city’s 1990 elections.<sup>48</sup>

The first question on most politicians’ minds after Barry’s arrest was ‘will Jesse Jackson run for mayor?’ Jackson, a two-time presidential candidate, had started talking about the District’s lack of democracy when, after heavy lobbying from the D.C. delegation, he mentioned D.C. Statehood in his speech to the Democratic National Convention in 1988. He quickly gained supporters in the city, including *Post* columnist Courtland Milloy who implored him publicly to “Run, Jesse, Run” – more than a year before Barry’s arrest. In 1989 Jackson’s political organization, the Rainbow Coalition, established offices in D.C. with statehood as a top priority.<sup>49</sup> After months of speculation and despite local support, Jackson declined to run for mayor.<sup>50</sup>

Jackson’s decision had two large effects. First, because he was not running for mayor, Jackson shifted his energy toward creating and campaigning for the position of ‘shadow senator.’ The idea of a shadow senator was based on the strategy some territories used when successfully applying for admission into the Union. An officially elected representative of the territory would travel to Congress and, although not entitled to participate officially in congressional business, lobby for the territory’s statehood. Ed Guinan’s 1980 initiative included a provision for an entire shadow delegation of two senators and one representative, but the City Council had never implemented it.<sup>51</sup> Although the City Council rejected the idea for a third time in December 1989, citing the \$1.35 million cost as untenable given the city’s budget crunch, the Council revisited the issue in February 1990 “seemingly anxious to accommodate” Jesse Jackson the day after he announced he would not run for mayor.<sup>52</sup> By March, a compromise had been reached. The City Council would sanction a shadow delegation, but would provide no money for the offices. All the funding for salary and staffing would have to be provided through the

candidate's own fundraising.<sup>53</sup> With that action, three new shadow offices were added to the 1990 ballot.

The second effect of Jackson's decision to opt out of the mayoral race was that it gave Walter Fauntroy the confidence to enter the campaign, thereby opening up the delegate seat for the first time since it was re-established in 1971.<sup>54</sup> With a fervor unseen since Fauntroy clinched the seat 19 years earlier, candidates ran vigorous campaigns within the local Democratic Party to win the primary election for the delegate seat. In the end, Eleanor Holmes Norton, a former head of the U.S. Equal Employment Opportunity Commission during the Carter administration and a Georgetown University law professor, beat the four other Democratic contenders to win the all-important primary that September.<sup>55</sup> The November election ushered Eleanor Holmes Norton into her congressional office, but she was not the only fresh face at the forefront of District politics. After beating Fauntroy in the primary, Sharon Pratt Dixon (soon to become Sharon Pratt Kelly) won the mayoral race by defeating her Republican opponent in a "landslide" which made "the nation's capital the largest city to put a black woman at its helm." Finally, voters in 1990 also elected their first shadow delegation, with Jesse Jackson and Florence Pendleton as the shadow senators and Charles Moreland as shadow representative.<sup>56</sup> A year that began with the arrest of Mayor Marion Barry ended with a fresh lineup of political leadership, primed to reinvigorate the campaign for statehood.

Jesse Jackson wasted no time in accelerating the statehood campaign and was soon joined by Eleanor Holmes Norton. In fact, Jackson was so eager to push ahead with his strategy that he failed to consult with the other members of the recently elected shadow delegation.<sup>57</sup> Yet there was only so much Jackson could do from the outside and so it fell on Rep. Eleanor Holmes Norton to introduce and push a statehood bill, which she did in May of 1991.<sup>58</sup> Introducing a statehood proposal was the easy step. Gaining support for it, on the other hand, was a monumental challenge. The *Washington Post* noted that "not even the measure's most ardent supporters" expected Norton's bill to pass. In that climate, advocates felt that "even getting hearings would be an achievement."<sup>59</sup>

So when a House District subcommittee held a hearing on statehood in November of 1991, the first one since 1987, advocates had reason to believe their efforts were bearing fruit.<sup>60</sup> The hearing produced a party-line vote to report the bill out of subcommittee, followed by a similar party-line vote in the full House District Committee in April 1992. The *Post*, giving the committee action front page coverage, noted the strong partisanship surrounding the issue.<sup>61</sup> It was this partisanship that would continue to push statehood forward, only to be soundly defeated on the floor of the House a year and a half later.

In the early 1990's statehood was the darling of the city's most prominent politicians. Jackson, Norton, and Mayor Kelly vocally advocated for New Columbia, consistently lobbying through the media and office-to-office to gain support on the Hill.<sup>62</sup> This style of advocacy represented two significant shifts in statehood activism since the idea was born in the late 1960's. In many ways, statehood's transition from the fringe to the mainstream included a "swap of protest for politics," a trend *Post* reporter Jacqueline Trescott argued began after the 1968 riots.<sup>63</sup> Statehood was no longer the pet project of individual activists like Sam Smith, Ed Guinan, and Josephine Butler.<sup>64</sup> Nor was it the sole domain of lone Statehood Party politicians like Julius Hobson or Hilda Mason.

Instead, the idea was now, as Mayor Kelly put it, “the major priority” for the city’s leaders.<sup>65</sup> Statehood was on the agenda in conference rooms, not living rooms. A more significant shift in statehood activism, however, was the dwindling size of organized grassroots support. By 1992, the Statehood Party had still not grown to a sizeable political force, the Coalition for Self-Determination for D.C. was defunct, and organizations like the League of Women Voters were not championing statehood. Instead, it was the Rainbow Coalition, Jesse Jackson’s organization, along with Norton’s and Kelly’s staffs that provided the organizational support for the statehood campaign. A rally at the Capitol in April 1992, for example, was not spearheaded by civic groups and community associations. It was mostly Jesse Jackson’s event.<sup>66</sup> And while the crowd of 2,000 was larger than any crowd supporting D.C. statehood or representation the city had seen in years, the fact that the event was organized without substantial help from any grassroots organization signified just how much statehood had shifted from the domain of fringe activists to that of mainstream politicians.

Whether statehood was fringe or mainstream – grassroots or institutionalized – opposition persisted. The vast majority of Republicans in Congress were in no mood to give the District two Senate seats and President George H.W. Bush publicly opposed the idea.<sup>67</sup> Issues of race lay just beneath the surface of some opposition. Reporter Juan Williams argued in 1993 that, although it was not as visible as in earlier eras, “race and the issue of D.C. statehood cannot be separated.”<sup>68</sup> Opposition also came from supporters of alternative strategies. Stephen Schwartz, a native Washingtonian and fellow at the Brookings Institution wrote an op-ed calling for a serious study of retrocession to Maryland instead of statehood.<sup>69</sup> Missing from Schwartz relatively objective analysis was an inquiry into public opinion regarding retrocession among Maryland policymakers. Two years earlier, Philip Schrag surveyed half the Maryland legislature and found that only 7 of 91 legislators polled supported absorbing the District.<sup>70</sup> Coming from a different angle, Representative Jim Moran, who replaced Stan Parris on the House District Committee in 1991, argued against statehood and proposed a revival of the D.C. Voting Rights Amendment as his favored alternative.<sup>71</sup> Opponents of statehood found many rationales to explain their stance.

Proponents of statehood, however, received a boost with the election of President Bill Clinton in 1992. Not only was he on record in support of statehood, but with Clinton in the White House and Democrats controlling both the House and Senate, prospects for statehood legislation had never looked better.<sup>72</sup> As Jamin Raskin, a statehood advocate and American University law professor, noted shortly before Clinton’s inauguration, “these are expectant days for champions of D.C. statehood.”<sup>73</sup>

Legislative action began heating up in the winter of 1992. In December, House Democratic leadership granted a limited vote in the Committee of the Whole to Eleanor Holmes Norton as well as the delegates representing the U.S. territories, nearly all of which leaned heavily Democratic.<sup>74</sup> The delegates’ new voting power, however, could never be used to break a tie in the Committee of a Whole which led Rep. James Moran to quip, “Any time the votes count, they don’t count.”<sup>75</sup>

During this same time, the city’s leadership set their sights on gaining a floor vote for the D.C. statehood proposal in the 103<sup>rd</sup> Congress. As a first step, Eleanor Holmes Norton convinced Mayor Kelly to drop her “decolonization agenda” which included

pushing for a commuter tax by explaining that “linking a commuter tax to statehood guarantees you will get neither.”<sup>76</sup> Looking for broader support, Jackson, Norton, and Kelly enlisted the aid of national lobbying organizations such as the American Civil Liberties Union and the Leadership Conference on Civil Rights to help push statehood.<sup>77</sup> They also looked to President Clinton to follow through on his earlier statements backing New Columbia, but Clinton, hesitant to spend precious political capital on the issue, stayed quiet.<sup>78</sup>

During the summer of 1993, statehood advocates turned up the heat. In July, shifting away from the previous “campaign of quiet persuasion,” Jackson and a small crowd of District residents “marched from Judiciary Square to the Longworth House Office Building” and, after symbolically referencing the revolutionary acts in Boston Harbor by dumping tea into the road, “sat down in the middle of the street . . . linking arms and creating a traffic jam.” Police arrested Jackson and 31 others for their protest. City leaders repeated the protest again two months later, and this time Jackson was arrested along with activist Dick Gregory as well as City Council member Kevin Chavous and even Mayor Kelly herself.<sup>79</sup> Despite the high profile of those arrested and the local resonance of their cause, the *Washington Post* did not give front page, let alone front section, coverage to either protest. Gaining support for statehood was indeed an uphill battle.

The struggle came to a head in the fall. On November 3, the House District Committee once again favorably reported a statehood bill out of committee. Following that action, the “House’s Democratic leaders . . . indicated that they [would] accede to requests by statehood supporters and put the measure before the full House for the first time. Although even the most ardent backers acknowledge they do not have enough support to win, the vote will fulfill a pledge made to District residents by Del. Eleanor Holmes Norton.”<sup>80</sup> Norton and other Statehood supporters sought to keep their promises, but they also believed they could “win a public relations victory even by losing.”<sup>81</sup> Republicans, on the other hand, welcomed the floor vote because they were confident that they could “beat statehood so badly that it will not come before the House again for years.”<sup>82</sup> No one expected statehood to pass, but statehood advocates pushed ahead nonetheless.

After a spurt of lobbying in the final days, and a vigorous floor debate on November 21, 1993, the full House cast its first vote ever on D.C. statehood. As expected, the proposal fell far short of gaining the simple majority – 218 votes – needed for New Columbia’s admission into the Union. The final vote tally showed 153 representatives in support and 277 opposed. Despite their majority in the House, 105 Democrats joined “all but one of the House’s Republicans . . . to defeat the measure.”<sup>83</sup> Fear of a commuter tax was strong among the suburban representatives; only Rep. Albert Wynn, a Democrat from Prince George’s County, voted in favor of statehood.<sup>84</sup>

Supporters were upbeat despite the loss and saw a silver lining in the vote. “I feel tremendous momentum on [budget and Congressional oversight] issues,” Norton said. “Even many of those who voted against us this weekend indicated in their testimony that they were not against democracy for the District of Columbia, just statehood. Next year, they’re going to have to put up or shut up.”<sup>85</sup> Perhaps if the Democrats had held onto control of Congress, Norton’s predictions may have proven true. But, in 1994,

Republicans swept the elections and gained majorities in both the House and Senate. Indicating their different attitude toward the District, “only hours after Republicans formally took control of Congress,” they rescinded Norton’s vote in the Committee of the Whole.<sup>86</sup>

Norton’s loss of voting rights marked the end of an era. Since 1961, with the passage of the 23<sup>rd</sup> Amendment, District residents had slowly gained more and more national representation and home rule. Electoral College votes were followed by an elected school board, nonvoting delegate, and then a city council and mayor. The late 1970’s and 1980’s saw extensions of earlier fights for national representation and also saw the rise of statehood to the fore, but after Home Rule in 1973, with the exception of winning Norton’s vote in the Committee of the Whole in 1993, the status quo persisted.

Failing to expand democracy in the city between 1973 and 1993 was one thing. Restricting democracy, however, was altogether different. As the city’s finances continued their downward spiral and a Republican majority asserted itself over the District, Washingtonians could only watch, voteless, as Congress took away much of their limited power in the second half of the 1990’s. The outlook was grim, and the last years of the 20<sup>th</sup> century were some of the darkest days in District history.

## **Control Board and Post-Control Board: 1994 - Present**

*“As recently as four years ago, liberation was in the air, meaning statehood, because for the first time ever a president sat in the White House who liked the idea.*

*Statehood? Kiss that one goodbye. Nothing could be further from statehood than what happened yesterday, namely the agreement between Congress and the White House that completes the handover of power to the non-elected control board and ‘strike teams’ of experts in return for massive federal gifts. Just about the only power Marion Barry will have left is deciding which men’s room to use at One Judiciary.”*

*~ Steve Twomey*

*Washington Post, July 31, 1997*

The statehood vote was an expected, but demoralizing, blow to the cause of democracy in the District. But what really hurt the District’s efforts at expanding democracy was the dismal condition of city governance. A financial crisis in the District arose from the combination of Barry’s enormous and corrupt government bureaucracy mixed with Kelly’s fiscal excess; a tax base continuing to dwindle as the middle class left the city; and the structural imbalance inherent in the economic arrangement of the 1970’s home rule legislation. Not since Boss Shepherd had run the city into bankruptcy had the city, and Congress, been faced with such frightening figures.

With echoes from a hundred years earlier, Congress decided that there was little hope in reforming D.C.’s government. But this time, rather than completely eradicate the local government, Congress only temporarily suspended home rule. Displaying little trust in Marion Barry, in 1995 the Republican Congress and Democratic President Clinton imposed a Control Board on the city. During its first two years the Board had little impact on the Barry bureaucracy, so in 1997, with initial support from Rep. Eleanor Holmes Norton, Congress and Clinton stripped Barry of nearly all power. The mayoral elections of 1998, which ushered Anthony Williams into office, marked the start of an upswing for the city. Accompanying the new mayor was a new level of activism. First focused on two court cases challenging the District’s disenfranchisement, activism related to democracy in D.C. grew rapidly after 2000. After a long hiatus, local residents and politicians were gearing up to fight for District residents’ rights. But even as older activists limbered up and younger ones joined the fight for the first time, it was obvious that the difficulties of the 1990’s had taken their toll on the movement.

### ***The District in Financial Crisis: 1995***

When, in 1994, Republicans gained control of Capitol Hill for the first time since home rule was enacted twenty years earlier, they also gained control of a city in dire straits. In 1995, the financial trouble which had been building in the District since the late 1980's had come to a head. In February, the city announced that it faced a \$700 million deficit, equivalent to 22% of the entire operating budget, and had a strategy to close that gap only by half.<sup>1</sup> Reflecting the city's financial instability, the District's bond rating had dropped below that of nearly all other large cities, which made borrowing money even more expensive and put the city in an even more precarious position.<sup>2</sup> And the bell tolled loudly when the *Washington Post* ran a front page story reporting that the General Accounting Office (GAO) had declared the city "insolvent."<sup>3</sup>

City officials and outside observers pointed to three main underlying causes for the fiscal crisis: a tax base shrinking as the middle class left the city; poor management, corruption, and deception in the District government; and a structural imbalance inherent in the home rule arrangement. As residents continued to move away, they took their tax dollars with them. Between 1989 and 1995, the city's tax revenue, adjusted for inflation, had dropped 11.8 percent.<sup>4</sup> These dollars were needed to fuel a government bureaucracy replete with problems. In the early 90's, outside investigations had found corruption in the police department, housing agency, foster care system, and prisons, and a number of those agencies were under court-ordered supervision.<sup>5</sup> As the crisis unfolded, internal reviews revealed that because of "lax management" during Mayor Sharon Pratt Kelly's administration, the city's expensive Medicaid program had not been audited for a number of years and had operated "hundreds of millions of dollars over budget."<sup>6</sup> Poor oversight, however, was nothing compared with the numbers game the District government had played to mask the ugly state of the city's treasury. According to the District's Chief Financial Officer, during the three years prior to 1995, the Kelly administration "balanced its budget through a series of accounting tricks and virtual deception."<sup>7</sup> These problems led the *Post* editorial board to label D.C. "the region's most heavily taxed, least served and most financially embarrassed jurisdiction."<sup>8</sup>

However, even if the Barry and Kelly administrations had maintained fiscal discipline, it is possible that the structural problems facing the city would have eventually led to a similar crisis, rather than just compounding the one of their making. As the 1990 Rivlin Report noted, the home rule legislation had left the city with an enormous pension liability and the responsibility to provide services usually provided by a state government. At the same time, Congress refused to provide an adequate federal payment to compensate the city for the non-taxable land it occupied while also restricting the city's ability to tax non-resident income. Members of the Rivlin Commission as well as proponents of the home rule legislation felt that, in addition to Barry's largess in expanding the city government and Kelly's failure to address a growing deficit, part of the blame for the fiscal crisis belonged to a structurally flawed home rule arrangement. As one commentator put it, in retrospect, "home rule wasn't freedom, it was more like a snake that took 20 years to squeeze life from its victim."<sup>9</sup> Looking at both the structural problems as well as the past city administrations, a reporter for the *Post*, succinctly summarized what had gone wrong. "The failure of home rule," he wrote, "was the result of bad law as well as bad leadership."<sup>10</sup>

With an insolvent District on their hands, the Republican Congress had two options. They could let the city try to fix the problem within the home rule framework or they could override home rule and take firmer control of city governance. While the idea of allowing the city to work through its problems appealed to the conservative ideology of ‘states’ rights’ and also to congressional allies of home rule, there was one large problem in accepting that solution: Marion Barry was re-elected as mayor in 1994, and few members of Congress trusted him to fix the city.<sup>11</sup> Immediately after Barry won the primary election, members of Congress made their views clear. Rep. James Walsh (R-N.Y), chairman of the House Appropriations D.C. Subcommittee, said “any progress we might have made with the District in recent years is gone now . . . We don’t have any basis for trust.” Newt Gingrich, the soon-to-be Speaker of the House “called Barry’s nomination ‘a tragic moment for this country’ and predicted that the former mayor would have ‘an impossible time trying to deal with Congress.’”<sup>12</sup>

Mayor Barry did try to work with Congress and offered his solution to the looming deficits in February 1995, but it fell on skeptical ears. Stating that the city “never should have” accepted state responsibilities in the home rule compromises in the 1970’s, Barry asked Congress to reassume some of those responsibilities including the city’s hospital for the mentally ill, much of the criminal justice system, and the city’s Medicaid and welfare programs. He also asked for a one-time \$267 million grant to the city to help cover the pressing deficit.<sup>13</sup> It came as no surprise when the congressional leadership rejected Barry’s proposal. Indicating just how little support Barry had on the Hill, traditional home rule ally Rep. Julian Dixon (D-CA) began to favor strong congressional intervention and advised President Bill Clinton to do the same.<sup>14</sup> Despite some attempts at working together, the bottom-line of the relationship between Barry and the Republican Congress was a lack of trust. Early in 1995, Newt Gingrich explained his position. “To the degree that Marion Barry can deliver the government to help you – fine,” he said. “To the degree [the government bureaucracy] gets in your way – wipe it out.”<sup>15</sup>

### ***The Control Board: 1995 - 2001***

In the spring of 1995, Congress did not ‘wipe out’ the District Government, but it transferred much of the authority over the city to a non-elected Control Board. Based on the model adopted by Pennsylvania, New York, and Ohio in dealing with fiscal crises in Philadelphia, New York City, and Cleveland, Congress, acting much like a state legislature with jurisdiction over the District, began discussing the specifics of a D.C. Control Board in March.<sup>16</sup> Much of the initial planning of the Control Board transpired without input from District leaders, though eventually Eleanor Holmes Norton supported “an oversight board” so long as it left “self-government intact.”<sup>17</sup> The legislation quickly passed through Congress and on April 17, President Clinton signed the bill, known as the District of Columbia Financial Responsibility and Management Assistance Act of 1995.<sup>18</sup> The parallels with Congress’ 1874 abolition of the District’s short-lived territorial government were not lost on contemporary observers. Once again, Congress was taking away the limited power District residents had and placing control of the city with an appointed body unaccountable to the city’s residents. But, the Control Board of the 1990’s did not turn out to be the same as the commissioners of the 1870’s. As Nelson

Rimensnyder, former director of research for the House District Committee, put it, what “is clearly different this time is that no one is saying, let’s abolish local elected government. There is a realization that Congress is really limited in how it can intervene.”<sup>19</sup> One indication of Congress’ awareness of the impracticality of indefinitely removing home rule power from locally elected officials was the inclusion of a sunset clause in the Control Board legislation. The Board would “cease operations once it certified that all its obligations, notes, bonds, or borrowing had been repaid, and the District had four consecutive balanced budgets.”<sup>20</sup>

Although Congress continued to permit elected officials to have some influence in District affairs, the creation of the Control Board severely curtailed the power of those officials. For nearly all intents and purposes, Congress had enabled a group of five presidentially appointed people to oversee the city government, who, at Rep. Norton’s insistence, were required to either have their primary residence or primary business in the city.<sup>21</sup> The Control Board, which was officially called the “District of Columbia Financial Responsibility and Management Assistance Authority,” was given broad leeway. It had the power to approve or reject all borrowing by the city as well as all labor contracts and could order the District government to comply with its orders. While Mayor Barry still had nominal power over city finances, the Control Board legislation established the position of a chief financial officer who would be appointed by the mayor, but report to the Control Board. To chair the Board, President Clinton appointed Andrew Brimmer, an economist who had served as the first black member of the Federal Reserve Board.<sup>22</sup>

District residents were well aware of the change, but reacted relatively quietly. A *Post* poll conducted a month before the legislation passed showed a mix of feelings among residents. Large majorities of Washingtonians believed that the city was in crisis but expressed opposition to permanent, direct congressional control of the city. Support for a temporary Control Board generally split along lines of race and class—whites in favor, blacks opposed. Perhaps the most telling number, however, was the fact that for “the first time in any Washington Post poll of D.C. residents, fewer than half said they support D.C. Statehood.”<sup>23</sup> With the financial crisis at its peak, fewer and fewer residents were willing to stand up in defense of expanding elected government in the District. There were some small protests against the establishment of the Control Board, but for the most part “most D.C. citizens seemed too dispirited to protest the board’s actions.”<sup>24</sup>

The first two years of the Control Board produced little change in the city’s finances. It was not for lack of trying. At its first public meeting in July, the Control Board slashed the city’s payroll by 5,600 jobs. Four months later, they took the dramatic step of firing the school superintendent and replaced the elected school board with an appointed board.<sup>25</sup> But even these steps had few far-reaching results. Chairman Brimmer felt stymied by Mayor Barry. Speaking of his frustrations he explained, we “worked hard to do this on a cooperative basis . . . We were hopeful that the mayor would see the merit of our suggestions. It didn’t happen.”<sup>26</sup> Although the Control Board had the power to override the Mayor, it had refrained from doing so. But by 1997, with little to show for two years of a Control Board, Brimmer and congressional Republicans began pushing for stronger measures.

Discussions in the summer of 1997 produced a hard-nosed deal for the District. In exchange for a bailout package, Congress forced the city to submit to an even stronger

Control Board. Primarily designed by Sen. Lauch Faircloth (R-NC), chairman of the Senate Appropriations subcommittee on the District, Rep. Tom Davis (R-VA), chair of the District subcommittee of the House Government Reform and Oversight Committee, and Frank Raines, Clinton's director of the Office of Management and Budget, the plan was tacked onto larger budget legislation and given the innocuous sounding title: National Capital Revitalization and Self-Government Improvement Act of 1997.<sup>27</sup> Those words did little to convey the importance of the bill's substance.

In exchange for a sizeable bailout package, the city lost a significant amount of autonomy. Congress, for example, agreed to increase the federal share of the city's Medicaid costs from 50 to 70 percent in exchange for increased oversight of the program. Similarly, the federal government took complete control of the city's beleaguered criminal courts and prisons, including control of sentencing guidelines. Congress agreed to take on the pension liability it had transferred to the city at the time of home rule's enactment, which by 1997 had grown to \$4.9 billion, and it also passed a series of tax breaks to spur business investment.<sup>28</sup> At the same time, Congress also decided to end the federal payment; the annual transfer of federal funds which compensated the city for lost property tax revenue incurred because of the federal government's presence.<sup>29</sup>

Short-term measures were also included in this 1997 legislation. The law directed the Control Board to take direct control of "fire and emergency medical services, public works, administrative services, corrections, human services, consumer and regulatory affairs, employment services, housing and community development, personnel, and procurement." This move left Mayor Barry in control of only "economic development, recreation, emergency preparedness, cable television, tourism and promotion," and the various boards and commissions of the city.<sup>30</sup> Overall, the 1997 "Revitalization and Self-Government Improvement Act" was a bittersweet deal for the District.

Mayor Barry, now stripped of most of his power, tasted the bitter more than the sweet. For days following passage of the law, he "angrily denounced the moves as the 'rape' of democracy."<sup>31</sup> By this point, however, Barry's exhortations had little effect. Rep. Tom Davis had little sympathy, noting that there "is no question that Mayor Barry brought this on himself . . . . His relationship with the control board [was] not jelling."<sup>32</sup> Eleanor Holmes Norton's position on the 1997 restructuring plan was more complicated. Earlier in the summer, as she tried to get the most for the District while giving up the least, she walked a tight line between wanting to maintain the District "as a 'viable jurisdiction'" but also wanting to maintain home rule.<sup>33</sup> By the time the bill passed through Congress, she vented her frustration at the city's ineffectiveness in addressing its problems. "'If you want home rule,' she advised city officials, 'rule.'"<sup>34</sup> But immediately after the plan was unrolled, District residents sharply criticized her support for the measure and Norton began to backpedal. Her shifting position made it appear that after walking the fine line throughout the summer, she was now attempting to straddle it.<sup>35</sup>

The deal produced the most substantial alteration in the relationship between the federal and District government since home rule. While some of the provisions were applicable only while the Control Board was active, the transfer of responsibility for the criminal justice system and greater responsibility for Medicaid, as well as the termination of the federal payment, had long-lasting effects. When the federal government took on state-like functions for D.C., the District became less like a state and more like a city. The

financial crisis had forced the District to make a difficult decision. In 1995, when Mayor Barry originally floated the idea of a federal bailout, the city endorsed an approach that would move it away from statehood. In order for the District to hold onto any independence, it had to become more dependent on the federal government to provide certain services normally provided by states.<sup>36</sup> Under the home rule restrictions on taxation of non-resident income and building height limits, statehood was looking less and less viable. As Steve Twomey, columnist for the *Post* put it, “Statehood? Kiss that one goodbye. Nothing could be further from statehood than what happened yesterday, namely the agreement between Congress and the White House that completes the handover of power to the non-elected control board and ‘strike teams’ of experts in return for massive federal gifts. Just about the only power Marion Barry will have left is deciding which men’s room to use at One Judiciary.”<sup>37</sup>

The Control Board wasted no time in asserting its newly gained authority. Within hours of the bill’s passage, in “a graphic display of his new authority” Control Board Chairman Brimmer instructed Mayor Barry on whom to appoint to head the many agencies now under Control Board supervision and “he was pleased Barry complied.” The board also created the position of “chief management officer,” to coordinate the teams of consultants to be dispatched to study and reshape various governmental departments. The Control Board was, for the most part, unapologetically bypassing Mayor Barry. It had a job to do, and it was going to do it, even if the arrangement was undemocratic. “Of course the city is a colony,” one Control Board member remarked. “The question is who fixes the colony: Congress or us?”<sup>38</sup>

The “Revitalization” plan not only strengthened the Control Board, but also revitalized civic protest. Unlike the subdued response after the Control Board was implemented in 1995, the stronger Control Board of 1997 elicited significant protest. Days after the news hit the city, three hundred protestors picketed outside of the White House and 13 District residents were arrested.<sup>39</sup> The following day, more than 30 protestors, under the umbrella of the newly formed Stand Up for Democracy Coalition, interrupted the first meeting of the Board by chanting slogans for fifteen minutes in a tense exchange that ended with the arrest of the protestors.<sup>40</sup> A month later, national celebrities and politicians joined in when Jesse Jackson, Walter Fauntroy, Rep. Norton, Rep. Maxine Waters (D-CA), and “comedian-activist” Dick Gregory led 500-1000 people in a demonstration on Capitol Hill. One protestor at this event declared, “What you see is the building of a movement.” His words were overly optimistic. In reality, the protests against the stronger Control Board were “long on outrage and short on numbers.”<sup>41</sup> The *Post* noted that “church and community leaders have struggled so far to bring out the masses in the name of preserving home rule” and at one event “the hoped-for crowd of ‘tens of thousands’” did not come.<sup>42</sup>

This activism was the first significant grassroots advocacy by citizens for democracy in the District since the months prior to the vote on statehood in November 1993. In the four years since that vote, local politicians and community activists had been noticeably quiet. Jesse Jackson, was “nowhere to be seen” just two years after the climax of the statehood campaign. When he returned to the city in 1996, having shifted his focus back to Chicago, it was to mark the end of his term as D.C.’s shadow senator. He

declared in his none-too-resounding valedictory that, “unless we change the Congress, we don’t stand a reasonable chance of getting statehood . . . You cannot change it from within D.C.”<sup>43</sup> Other groups may have come to the same conclusion. The League of Women Voters and Common Cause were no longer spearheading campaigns on D.C. The Statehood Party was still small and did little organizing. The momentum behind the statehood campaign had stalled soon after the 1993 vote.

One significant exception to this general dearth of activism for democracy in the District was the emergence of a campaign to bring international pressure to bear on the U.S. The Statehood Solidarity Committee and Democracy First, both led by the indefatigable Tim Cooper, took the case of District residents’ disenfranchisement before the world’s international institutions to shame the United States into taking action. Arguing that D.C.’s political status violated basic human rights, the Committee petitioned the InterAmerican Commission on Human Rights of the Organization of American States in 1993. Then, in 1995, the UN Human Rights Committee began hearing the issue.<sup>44</sup> From there, the campaign expanded and continues to this day. The groups have achieved two significant victories. First, in 2003, ten years after receiving the Statehood Solidarity Committee’s initial petition, the InterAmerican Commission on Human Rights issued a public report concluding that the United States “is responsible for violations of [District residents’] rights . . . by denying them an effective opportunity to participate in their federal legislature.”<sup>45</sup> Then, in 2005, the Organization for Security and Co-operation in Europe’s Parliamentary Assembly included a provision in the declaration produced after its meeting in D.C., which called “on the Congress of the United States to adopt such legislation as may be necessary to grant the residents of Washington, D.C. equal voting rights in their national legislature in accordance with its human dimension commitments.”<sup>46</sup> These pronouncements were the result of the only sustained campaigns for democracy launched in the District in the mid-1990’s.

Three factors led advocates for democracy in the District to remain relatively quiet during the last years of the twentieth century. First, the city’s economic decline and the imposition of the Control Board were obstacles to expanding democracy. Although the moral claims to representative government were as strong as ever, the inefficiencies and corruption of the D.C. government made it difficult for members of Congress and many District residents to gather the energy to work to further expand democracy in the city. Exacerbating this was the fact that the Control Board was not easily influenced because its presidentially appointed members were politically unaccountable to District residents. The advent of a Republican Congress put yet another damper on activism. The bipartisanship of the home rule and D.C. Voting Rights Amendment eras was long gone. Now, the Democratic District was controlled by Republicans, and there was little political sympathy for Washingtonians on Capitol Hill. President Clinton may have provided a counterweight to the GOP during this time, but he did little to encourage grassroots advocacy in D.C.

In addition to the obstacles D.C. faced as a financially crippled city governed by a Control Board and a Republican Congress, city activists were further frustrated in attempts at expanding democracy because they had no central strategy. In the twenty years prior to 1997, activists had fought for both a constitutional amendment and statehood, only to see them fail. There was no obvious next option that appealed to a

broad range of activists. Not that District residents were at a loss for ideas. Retrocession gained a local proponent with the Committee for the Capital City, led by Lawrence Mirel, former General Counsel for the District City Council.<sup>47</sup> Another idea which gained traction was making the District more like the U.S. territories by removing the obligation to pay federal taxes. In this scheme, ‘Taxation without representation’ would be solved by removing taxation. The idea had the public support of George Washington University President Stephen Trachtenberg and Eleanor Holmes Norton even introduced a bill in Congress to make the idea reality. Proponents of the idea saw this not only as a means of adjusting the balance between democratic rights and obligations in the District, but also as a way of spurring much needed economic development in the cash-strapped city. Some even talked of the tax-exempt idea creating a “Hong Kong on the Potomac.”<sup>48</sup> None of these ideas ever generated much of a following, and for the most part, political activism in D.C. lay dormant during the mid-90’s.

### ***Suing for Equal Rights in the District – Alexander v. Daley and Adams v. Clinton***

One group that bucked the trend and rolled up their sleeves during these quiet days was a small group of lawyers. In an op-ed in the *Post* in 1996, Jamin Raskin, a professor of constitutional law at American University, explored the idea of bringing a lawsuit against the federal government for denying District residents a vote in Congress.<sup>49</sup> Two years later he distilled his ideas into a law review article which grabbed the interest of the city’s corporation counsel, John Ferren, and attorneys at the prestigious District law firm of Covington and Burling.<sup>50</sup> The lawyers paved the way for their case by first presenting a petition to Congress, in July 1998, seeking a political solution to the District’s disenfranchisement. According to the *Post*, signatories to this petition were strategically selected and included prominent Washingtonians such as: “former mayor Walter Washington, Howard University President H. Patrick Swygert, George Washington University President Stephen Joel Trachtenberg, and former D.C. financial control board member Joyce A. Ladner. Business leaders who signed include Deborah Lee, president of BET Holdings, Inc. and John W. Hechinger Sr. . . . Civil rights veteran Dorothy Height [was] a signer, as [was] activist Roger Wilkins.”<sup>51</sup> As the lawyers expected, Congress did not find a political solution. So, on September 14, 1998, fifty-seven District residents went to court to seek a judicial solution for their lack of voting representation in Congress.<sup>52</sup>

This prominent lawsuit, *Alexander v. Daley*, was submitted to the U.S. District Court for the District of Columbia only months after a related lawsuit, *Adams v. Clinton*, entered the courts. The *Adams v. Clinton* lawsuit was spearheaded by Takoma Park lawyer George LaRoche on behalf of twenty District residents and had broader demands than its counterpart.<sup>53</sup> Whereas *Alexander v. Daley* asked the courts to declare only that the District’s lack of voting representation in Congress was unconstitutional and offered no specific remedy, *Adams v. Clinton* sought not only voting representation but also an order to disband the Control Board and require the federal government to allow the District to establish “a state government insulated from Congressional interference” responsible to District residents.<sup>54</sup> Despite the differences in the two lawsuits, the District Court consolidated the cases and deliberated on them jointly.<sup>55</sup>

The court cases did two things. They unified parts of the District's political leadership behind a strategy to expand democracy and they also prodded the Republican Congress into further restricting the District's power. In the summer of 1998, both the City Council and Mayor Barry expressed their support for the lawsuits. Rep. Norton joined them publicly in an op-ed published in the *Post*, where she explained her support for what would become *Alexander v. Daley* by saying, the "voting rights lawsuit is ripe because we have exhausted the only remedies that were available to us."<sup>56</sup> For the first time since 1993, the city's leadership had found a common ground strategy.

Congress, however, did not like the city's involvement in the lawsuits and proceeded to bind the local government's hands from supporting the cases. Only months after the lawyers filed *Alexander v. Daley*, Congress attached a rider to the District appropriations bill, which President Clinton signed, stipulating that:

None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.<sup>57</sup>

The city was completely barred from spending locally raised tax dollars to assist the lawsuits. Because of this, Corporation Counsel John Ferren and a number of other lawyers worked on the case pro-bono.<sup>58</sup> Few other actions could have illustrated so well why District residents sought to gain voting representation in Congress.

### ***The Barry Era Ends; Williams Takes the Helm of a City on the Upswing: 1998-Present***

In the spring of 1998, Marion Barry had to decide whether or not to run for reelection. The prospect of holding onto office was not what it was four years earlier, when he had made his comeback. Since then, Congress had stripped him of much of his power, and despite continued popularity in some parts of the city, especially the poorer wards, most District residents were uninterested in supporting him in the upcoming mayoral race. According to a *Washington Post* poll published in May, a "majority of African Americans – 57 percent – and nine out of 10 white District residents oppose a Barry reelection bid."<sup>59</sup> Always an adroit politician, he could see the writing on the wall. Having held the office of mayor for 16 of the 24 years of its modern existence, Marion Barry announced on May 21 that he would not seek reelection.<sup>60</sup> That decision, in the face of a Control Board and Congress openly opposed to Barry, proved to be a watershed moment for the District.

Nine days later, the mayoral race took on a completely new tone when Anthony Williams, the city's Chief Financial Officer announced his candidacy. Responding to a grassroots effort encouraging him to run, the "Harvard-trained, bow-tied technocrat" transplant to the District hit the ground running.<sup>61</sup> Capitalizing on his reputation for fiscal responsibility, efficient management, and his strong, positive relationship with the Control Board, Williams rode a rising tide of optimism in the city to quickly speed ahead of the pack and trounce six of his Democratic rivals in the September primary by gaining 50 percent of the vote. He carried the momentum into November and won the general election with two thirds of the ballots.<sup>62</sup>

Williams was not the only new face in District politics in 1998. On September 1, Alice Rivlin, former director of the Office of Management and Budget, a governor on the Federal Reserve Board, and the head of the 1990 commission which studied the District's finances, took the reins from Andrew Brimmer and assumed the chair of a Control Board full of new members.<sup>63</sup> Rivlin's comment earlier in the year that "an unelected control board can be justified only as a temporary response to crisis and a transition to democratic process" created a perception, even among the most outspoken activists, that she had a "desire to work herself out of a job."<sup>64</sup>

As the twentieth century came to a close, the District government entered a new era. Although still under the supervision of a Control Board, Mayor Anthony Williams took charge of a city whose finances were greatly stabilized and expected to improve. A Control Board with new members welcomed the opportunity to work with Williams and indicated it would pursue a more hands-off management style than it had used with the Barry administration. The city hit its low point a few years earlier, and by 1998, the city's fortunes were looking better than they had in years.

### ***The Court Puts the Ball Back in the Legislative Court***

Two years after submitting their cases, District residents heard the decision of the U.S. District Court in 2000. It was not good news. Transmitting their decision on March 20, the court's majority opinion stated:

Like our predecessors, we are not blind to the inequity of the situation plaintiffs seek to change. But longstanding judicial precedent, as well as the Constitution's text and history, persuade us that this court lacks authority to grant plaintiffs the relief they seek. If they are to obtain it, they must plead their case in other venues.<sup>65</sup>

In other words, District residents have unequal rights compared to those of other Americans, but that inequality is constitutionally condoned. "Many courts have found a contradiction between the democratic ideals upon which this country was founded and the exclusion of District residents from congressional representation," the majority opinion explained. "All, however, have concluded that it is the Constitution and judicial precedent that create the contradiction."<sup>66</sup> Lawyers for the cases appealed the judgment, but the Supreme Court affirmed what the lower court had decided; District residents did not have a constitutionally guaranteed right to voting representation in Congress. Therefore, to gain votes in Congress, District residents must look to the legislative branch, and not the judicial branch, for a solution.

The message came through loud and clear. Immediately after the Supreme Court's decision, politicians and activists began a flurry of activity. One of the first ideas that grabbed hold of the mayor and city council was small, but powerful – changing the District's license plates to broadcast the message "taxation without representation." Originally proposed by District resident Sarah Shapiro, the gimmick caught on quickly and in November 2000, cars in the District began carrying the new plates.<sup>67</sup> The license plates gained greater prominence when President Clinton, soon to be leaving the White House, ordered that all presidential vehicles carry plates with the new motto. The plates reached the pinnacle of their political career when President-elect Bush, in a signal of his

stance on the issue, ordered them removed from presidential vehicles prior to his inauguration in 2001.<sup>68</sup>

Politicians were not the only ones to step-up their advocacy of democracy in D.C. after the court decisions were handed down. Grassroots activists began to stir up activity in all sorts of ways.<sup>69</sup> In the summer of 2000, seven District residents were arrested for interrupting debate on the D.C. appropriations bill when they protested D.C.'s lack of a vote on that bill. The group, which came to be known as the "D.C. Democracy Seven," included representatives of Stand Up for Democracy as well as the newly merged Statehood Green Party. Charged with "disruption of Congress," the members of the group were eventually acquitted.<sup>70</sup> Approaching the courts from a different angle, a new organization called D.C. RABBLE (D.C. Representation Alliance for Ballot Box and Legislative Equality) began asking D.C. residents to boycott federal jury duty in protest of having no voice in the confirmation of federally appointed judges.<sup>71</sup> Not all protest, though, was from the outside. Acting in a more formal capacity, Barbara Lett-Simmons, one of D.C.'s three electors for the Electoral College highlighted the District's unequal voting rights when she cast a blank ballot in the 2000 election.<sup>72</sup> While many of these activists had been working for years to change the District's status, following the court decision, their protests were emblematic of a resurgence of advocacy in the city.

By far the most significant outgrowth of the court cases was the establishment of DC Vote, a new non-profit dedicated to gaining voting representation in Congress. Originally founded in 1998 to coordinate public relations for the *Alexander v. Daley* lawsuit, DC Vote soon became the best-funded and best-organized group to campaign for democracy in the District since the Coalition for Self-Determination for D.C. shut its doors in the mid-1980's.<sup>73</sup> Following the court decisions, DC Vote focused on generating support in Congress for granting District residents national representation. One prominent campaign, dubbed "D.C. Freedom Summer," was run in conjunction with Rep. Norton's office. Every weekend for the entire summer of 2001, DC Vote organized volunteers to canvass the National Mall asking out-of-town tourists and District residents to sign a petition in support of congressional voting representation.<sup>74</sup> DC Vote has since shifted focus toward more educational efforts and behind-the-scenes lobbying, but remains the strongest organization working for an expansion of democracy in the District.

DC Vote's emergence and growth was just one indication of the city's upswing. By September 2001 the city had succeeded in passing four balanced budgets, gaining a stable bond rating, and had repaid its U.S. Treasury loans. With those targets met, the city fulfilled the criteria set forth in the 1995 legislation to move out from under the supervision of the Control Board. On September 30, 2001, the Control Board officially suspended its operations and transferred home rule authority back to the mayor and city council.<sup>75</sup> Although news of the Control Board's exit from city affairs was eclipsed by the aftermath of the September 11<sup>th</sup> attacks, it was an extremely significant transition in District history.<sup>76</sup> Unlike the 'temporary' commissioner form of government that was imposed in 1874 and lasted for 100 years, the Control Board, under the auspices of Chairman Rivlin, served no longer than was originally envisioned. Returning to the home rule pattern, the District submitted its first post-Control Board budget to Congress which approved it without much alteration.<sup>77</sup>

The District's improving political fortunes including hearings on Capitol Hill exploring D.C. voting rights. While Democrats briefly had control of the Senate in 2002, Senator Joe Lieberman (D-CT) held the first hearing on voting representation for the District in Congress since prior to the statehood vote in 1993. Lieberman had teamed up with Eleanor Holmes Norton to sponsor twin legislation in both Houses of Congress which closely resembled the D.C. Voting Rights Amendment of 1978. Talk of statehood had died down and the focus had once again returned to the less controversial idea of national representation. On a strict party line vote, the Senate bill was reported out of committee, but proceeded no further. On the other side of the Capitol, the House Government Reform subcommittee on the District held its first hearing on the issue in years.<sup>78</sup> The congressional activity demonstrated two things. First, the District had regained enough financial stability that members of Congress were once again willing to talk about expanding democracy in the city and not removing it. Second, the hearings and votes revealed how partisan the issue continued to be. In both regards, the District was more or less in the same position it was immediately after the statehood vote.

It had taken ten years for the District to sink and rise again. The Williams administration stood in stark contrast to both the Barry and Kelly administrations. Gone was the fiery activist spirit. Gone too, however, was the flagrant fiscal irresponsibility and widespread government corruption that contributed to the city's financial crisis. During the 90's the city had been all but stripped of home rule while also being relieved of enormous debt liabilities and the burdens of operating various state-level agencies. The District that Mayor Williams inherited was very different than the one governed by his predecessors. A number of important things, however, remained constant. The District still suffered from a narrow tax base and a restricted ability to raise revenue. Congress continued to support the city, but also interfered in the governance of the District through the use of legislative riders on a whole host of issues. And, most importantly, District residents remained without local autonomy or equal voting representation in Congress, while that body continued to have ultimate authority over the city.

It was within this context that the District faced the question, where should the city go next? And, in many ways, this is still the question that advocates for greater democracy in the District face today. What is the next goal? What is the strategy to get there? How will District residents gain equal rights?

### ***Lessons from History Informing Future Strategy***

The District's history provides many suggestions for future strategy. In the 200 years of the District's life, the most instructive precedents for current activists were set during the past fifty years. Beginning with the 23<sup>rd</sup> amendment, the District entered a new phase in its political history. Citizen-led advocacy groups pushed for and succeeded in gaining not only Electoral College representation in 1961, but also home rule in 1973 and the congressional passage of the D.C. Voting Rights Amendment in 1978. The failure of this amendment seven years later is a case-study for any future amendment-oriented efforts as is the stop-and-go progression of the Statehood movement through the 1980's and 90's. District residents have a half-century worth of past experience waiting to inform

the next campaign. The past is not necessarily prologue, but to ignore the history – to dismiss the lessons learned by earlier advocates – is a sure way to repeat many mistakes of the past and unnecessarily reinvent the wheel. To evaluate which strategies might be most successful in gaining national representation and self-determination for the District, we must also look at the current political context. No proposal will be heard in a political vacuum and for that reason, while we consider what did and did not work before, we must be keenly aware of what is feasible in the near future.

## **D.C.'s Current Economic and Political Context**

*“[D.C.] is the only city that has no state to share costs or underwrite expenditures in whole or part. It is the only city whose preponderant employer is a tax-exempt entity – an entity exempt from tax on its property and exempt from tax on its income. Further, by Federal law, the preponderance of workers in the District of Columbia are exempt from D.C. income tax. Lastly, it is the only municipality in the country that must exercise the responsibilities of a city, county, state, and school district.”<sup>1</sup>*

*~ Mayor’s Report to the Senate  
Committee on Appropriations May 2004*

*“If you want to tell the District of Columbia what their laws ought to be, run for the city council. This is not the city council. We look ridiculous and abusive when we try to act as though we are.”*

*~ Rep. David Obey (D-WI) on the floor  
of the House of Representatives, June 30,  
2005.<sup>2</sup>*

Any proposed strategy to expand national representation or self-determination for the District must be evaluated using two criteria – economic and political viability. On the economic side, this means that any proposal must improve the District’s long-term fiscal outlook. On the political side, advocates for democracy in the District must determine how their proposal will be received among District residents, by members of Congress on Capitol Hill, and by the American public. Some proposals will generate more resistance than others and each proposal brings with it different allies and opponents. To make things even more complicated, the economic and political context the District faces is constantly changing. The context two years from now will not be the same as it is today. But in order to evaluate strategies available to the District, we must consider the city’s current economic and political context.

In many ways the District shares the fiscal challenges of urban areas nationwide, but D.C. faces additional, and unique, challenges. At its core, the District is economically unlike any other jurisdiction in the country because it is expected to act like a state despite not having the authority of a state. Compounding this problem are two factors. First, the District economy is dominated by tax-exempt entities, most notably the federal government, but also foreign embassies and non-profit institutions. Their presence, while the backbone of the city’s economy, severely restricts its tax base. Second, the city carries a metropolitan area’s burden of poverty without enjoying a redistribution of resources within the metropolitan area to help address that problem.<sup>3</sup> Poverty, and the many other

challenges that accompany it, raise the cost of government services such as health care, education, and safety. In a 2004 report to the Senate Committee on Appropriations, the Mayor summed up the District's unique situation:

[D.C.] is the only city that has no state to share costs or underwrite expenditures in whole or part. It is the only city whose preponderant employer is a tax-exempt entity – an entity exempt from tax on its property and exempt from tax on its income. Further, by Federal law, the preponderance of workers in the District of Columbia are exempt from D.C. income tax. Lastly, it is the only municipality in the country that must exercise the responsibilities of a city, county, state, and school district. Although the District has the taxing authority for all types of taxes typical of states and local governments combined, these taxes do not give it the tax *base* sufficient to pay for the services it must provide.<sup>4</sup>

Historically, the District's unique economic situation has caused persistent problems. As described in earlier chapters, the rise and fall of the territorial government, the constantly shifting federal payment, and the six years of the Control Board are all examples of political instability resulting from the city's attempt to finance state levels of services while remaining a jurisdiction under congressional oversight. Yet despite this crisis-driven history, Congress still expects, and the District still attempts, to balance its budget. While the city has stayed afloat and even prospered since the suspension of the Control Board in 2001, a looming problem remains.<sup>5</sup> That problem is the District's structural imbalance.

The General Accountability Office, formerly the General Accounting Office, defines a structural imbalance as a “fiscal system . . . unable to finance an average (or representative) level of services by taxing its funding capacity at average (or representative) rates.”<sup>6</sup> In other words, “even if the District's services were managed efficiently, the District would have to impose above average tax burdens just to provide an average level of services.”<sup>7</sup> In its 2003 study, the GAO concluded that the magnitude of the District's structural imbalance, in 2002 dollars, was between \$470 million and \$1.1 billion.<sup>8</sup> However, a joint study conducted by the D.C. Fiscal Policy Institute and the Brookings Institution which analyzed the GAO report argues that the “the most reasonable estimate is between \$900 million and \$1.1 billion.”<sup>9</sup> Regardless of the exact number, this recent analysis by the federal government itself demonstrates that the District faces not only the usual fiscal challenges of an urban area, but also faces the additional obstacle of providing state services without having the authority and tax base of a state.

The underlying cause of the structural imbalance is the gap between the cost of providing services in the city and the ability to raise revenue to cover those costs. The GAO points out that even though the District has both higher-than-average municipal costs and higher-than-average revenue capacity, the city's costs still exceed its revenue.<sup>10</sup> A key reason for the high price tag of operating D.C., is what Carol O'Cleireacain and Alice Rivlin called the District's “statelessness.” In their 2002 analysis of the city's structural imbalance, they explain that “because no state supports or contains it, the District of Columbia must provide public services normally provided by a state government, as well as those usually supplied by a local government.”<sup>11</sup> That proves to be a significant burden. While it is difficult to place a dollar figure on the specific costs of

these state-like services, estimates range from \$500 million to \$1.2 billion per year.<sup>12</sup> In 1997, Congress recognized these costs and the problems arising from having given the District the burden of state services without giving it state authority, when, as part of the National Capital Revitalization and Self-Government Improvement Act, it assumed control of the city's criminal justice system, its pension liability, and a greater percentage of Medicaid costs.<sup>13</sup>

Another reason the District's costs are higher than those of other jurisdictions is the burden of the federal government's presence. Certainly, the federal government provides the foundation for the District's economy, but serving as the nation's capital has unique costs – many of which currently fall on the city government. For example, each year the National Park Service holds Independence Day celebrations on the National Mall and the District provides, alongside U.S. Park Police, additional police and fire protection for the event without reimbursement.<sup>14</sup> Earlier, Congress helped cover these and other costs with an annual federal payment, but that payment was phased out as part of the 1997 National Revitalization and Self-Government Improvement Act.<sup>15</sup> In 2002, the "city's chief financial officer estimated that the public services the District provides to the federal government alone cost \$240 million a year."<sup>16</sup> D.C. not only houses and serves a privileged population of elected officials and civil servants, whose salaries inflate the cost of living and activities impose unique expenses, but also serves an urban population that suffers high rates of crime and poverty. All combined, the District is left with high costs.

On the other side of the fiscal ledger, opposite the District's costs, is its revenue. Here too, the District faces unique handicaps, which O'Clair and Rivlin have wryly dubbed as the city's "capital losses."<sup>17</sup> A large restriction on the District's tax base is the amount of tax-exempt property in the city. In dollar terms, "41 percent of the total assessed value of property in the District is tax-exempt. Sixty-five percent of this is federal government property; the remaining 35 percent comprises churches, universities, and miscellaneous nonprofit organizations that are traditionally exempt by local governments."<sup>18</sup> A 2002 study estimated that these "exemptions cost the District about \$550 million dollars a year in foregone property tax revenue at current tax rates."<sup>19</sup> Another capital loss is the inability to tax the business of the many non-profit entities in the city, including the federal government. The District's CFO in 2002, "placed the District's revenue losses due to its inability to tax the 'commercial' activity of the federal government, alone, at almost \$200 million."<sup>20</sup> Discussed less often, and extremely difficult to estimate, is the foregone value the District might gain if it were able to increase the building height limit, and therefore increase the city's property tax base.<sup>21</sup>

By far the largest 'capital loss,' however, derives from D.C.'s inability to operate like a state and tax non-resident income. Because of a compromise built into the home rule legislation of 1973, the city can not "impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District."<sup>22</sup> As will be discussed later in this chapter, the capacity to tax non-resident income would be the single most significant step toward reducing the District's structural imbalance.

### ***Options Available to Address the Structural Imbalance***

When faced with deficits, cities can either raise revenue, usually through raising taxes, or lower spending. Raising taxes in the District could stifle economic development. The city already has high tax rates relative to the region, and any increase in those taxes would put the District at a greater competitive disadvantage.<sup>23</sup> The city could lower spending in two ways: by cutting programs or managing them more efficiently. Examining the first option, the GAO noted that “cutting services means, in all likelihood, cutting an already low level of service to residents as well as businesses and visitors,” which could hurt, rather than help, the District’s economy.<sup>24</sup> In terms of efficiency, all observers agree that the District could save significant amounts by better managing its money.<sup>25</sup> “However, management improvements will not offset the underlying structural imbalance because it is caused by factors beyond the direct control of District officials.”<sup>26</sup>

Because normal remedies are insufficient for addressing the city’s structural imbalance, the District must look to alternative policy options for a solution. Analysts of the city’s fiscal predicament have suggested a wide array of tools. Proposals include a federal payment-in-lieu of taxes to compensate for federally-owned tax-exempt property; a federal payment calculated either on a per-capita basis or based on the cost of state services provided by the city; and a federal payment specifically earmarked for infrastructure projects, education, or other specific programs.<sup>27</sup> The biggest change that could reduce or eradicate the structural deficit, however, would not be increased transfers of money from the federal government. Rather, the single most potent step the federal government could take to help relieve the District of its structural imbalance would be to allow it to tax the income earned by nonresidents in the District.<sup>28</sup>

This is not a fanciful idea. The GAO notes that the “41 states that have income taxes tax the income of residents of at least some other states.”<sup>29</sup> The fact that the District government is the only jurisdiction prohibited by federal law from doing so is a restriction that was recently challenged in federal courts in the case of *Banner v. United States*.<sup>30</sup> Although the courts affirmed its constitutionality, Congress still retains the power to strike the restriction from the Home Rule Act. If it did that, the District would gain access to a category of much-needed tax revenue that is available to every state in the union.

The magnitude of income earned by commuters in the District is staggering. “According to the 2000 census, of the 691,678 people who work in D.C., 72 percent are from outside D.C.”<sup>31</sup> Earning a total of \$30.9 billion, commuters took back to their home states 77.3 percent of all the income generated within the District’s borders. In contrast, District residents who work outside of the city – reverse-commuters – earned only \$3.0 billion, which means that the “amount of wages earned by commuters in D.C. is thus more than 10 times greater than the amount of wages earned by D.C. residents outside of the District of Columbia.”<sup>32</sup> Translated into dollar figures, the importance of this foregone income tax to the District is clearly evident. Estimates of the revenue the city would gain from a nonresident income tax are dependent on the tax rate that would be applied. Using contemporary District income tax rates, O’Cleireacain and Rivlin calculated in 2002 that such a tax “could raise almost \$1.4 billion in additional revenue annually.”<sup>33</sup> However, using a two percent commuter tax rate, which falls within the midrange of other cities’ commuter tax rates, a study conducted by McKinsey & Co. in the same year estimated that the District would gain “\$400 million to \$450 million per year.”<sup>34</sup> Considering that the GAO has estimated the city’s structural imbalance to be between \$470 million and

\$1.1 billion, a tax on non-resident income, whether at two percent or full District income tax rates, could potentially cut the imbalance almost in half or, in the most optimistic scenarios, offset it altogether.

As it stands, though, the District continues to operate without the assistance of any of these policy options. The effect of operating under a structural imbalance is that the city government continues to defer important infrastructure projects and carry a high debt burden.<sup>35</sup> If the economy slowed, the District would be forced to defer or end some publicly provided services in order to achieve a balanced budget. Change is obviously needed in order to eradicate the structural imbalance. What form that change takes, however, is still an open question.

### ***Current Political Context***

#### ***Continued Threats to Home Rule and Modest Proposals for Congressional Representation***

The question of D.C.'s future is not just about dollars and cents. It is also about votes – the voting rights of District residents and also the votes of members of Congress on District matters. No matter how justified District residents have felt for two centuries in claiming equal voting rights, they have always had to plead their case to Congress and state legislatures. Since the Reagan Revolution of the 1980's, District residents have had an increasingly difficult time soliciting support, especially bipartisan support, for expanding democracy in the city. Today, the pattern continues and District residents enjoy very limited sympathy on Capitol Hill. Although much of the tension between the District and federal government decreased after Anthony Williams replaced Marion Barry as mayor in 1998 and after the temporary Control Board restored a level of financial stability for the city, the current Congress still expresses little interest in expanding democracy in the District.

Two recent political developments provide insight into current congressional attitudes toward the District. First, the House of Representatives has shown it is very willing to overrule District laws passed by the city council and mayor. Perhaps the most glaring example in recent years is the attempt by the House, led by Rep. Mark Souder (R-IN), to repeal all or parts of the District's gun laws. D.C. has one of the strictest set of gun laws, including an outright ban on new handguns. For Rep. Souder, and a majority of the House, these laws are an infringement on District residents' second amendment rights despite the fact that the city council and mayor, as representatives of District residents, have indicated repeatedly that District residents support the laws. In 2004, the House, with the support of 52 Democrats and over the opposition of 22 Republicans, passed a bill that would have repealed almost all of the city's gun laws.<sup>36</sup> Though that bill died in the Senate, the House continued undeterred in the next session when it passed a narrower bill that repealed the District's requirement that gun owners use trigger-locks or other safety mechanisms with their guns at home. The provision, attached as a rider to the District appropriations bill, did not make it through conference committee deliberations.<sup>37</sup> Although neither has garnered the approval of the Senate, the passage of these two proposals in the House illustrates a high degree of congressional comfort with using its home rule power to override the decisions of the District's representative city government.

This is one indication of the unsympathetic attitude toward self-determination in the District.

Another indication of congressional attitude is the relative popularity of the DC Voting Rights Act. Officially titled the “DC Fair and Equal House Voting Rights Act of 2006” and sponsored by Republican Rep. Tom Davis of Virginia and Rep. Eleanor Holmes Norton, the bill would expand the House by two members to 437 representatives.<sup>38</sup> One of those members would be elected from the District. The other seat would be filled by a representative from the state that barely missed securing another congressional district during the reapportionment after the 2000 Census – which would be Utah. The bill’s strategic pairing of one additional vote from Democratic D.C. with a vote from reliably Republican Utah explains its popularity in Congress and the media attention it has received.<sup>39</sup>

What makes the bill an indicator of congressional opinion, however, is not the text of the legislation. Instead, the bill is telling for what it does not do. First and foremost, with no mention of Senate votes, the bill does not propose full voting representation.<sup>40</sup> It is not a statehood bill, nor is it retrocession.<sup>41</sup> In fact, the bill itself proposes to enfranchise District residents without granting them state residency or amending the Constitution. While the *Adams v. Clinton* decision from 2000 calls into question the constitutionality of this approach, sponsors of the DC Voting Rights Act cite legal analyses that support the soundness of a ‘simple legislation’ strategy.<sup>42</sup> The DC Voting Rights Act is simply a very limited proposal to have Congress grant D.C. residents one vote in the House. Skeptics of this legislative strategy note that what could be given could also be taken away by a majority vote in Congress and the signature of the President.

That such a limited proposal is currently the focus of attention for D.C. voting representation on Capitol Hill indicates just how little both parties in Congress care to expend political capital on behalf of disenfranchised District residents. The Republican majority, including Rep. Tom Davis, is currently unwilling to accept senators from the District and the Democrats have no strong interest in making it an issue.<sup>43</sup> As much as District residents’ lack of voting representation may be an issue of civil rights, it does not transcend partisanship. Because the current Republican leadership is not looking to expand its base by courting black voters, “GOP leaders have seen no long-term political gain from adding a representative from the District.”<sup>44</sup> This political dynamic stands in contrast to the dynamic of 1978, prior to the Reagan Revolution, when the Republican Party supported the D.C. Voting Rights Amendment and liberal organizations successfully pressured southern Democrats by making opposition to the amendment a political liability. That political dynamic, a legacy of the Civil Rights Movement, vanished with the Reagan Revolution.

Today what the DC Voting Rights Act demonstrates is that Republicans, the current majority party, see no value in supporting voting rights for District residents and, without a civil rights context, neither Republicans nor Democrats who oppose expanding democracy in the District will feel any repercussions for their stance. District residents can expect to achieve very little expansion of democracy in the current Congress. Indeed, Ilir Zherka, executive director of DC Vote, argued that small incremental steps were the only feasible way to move forward when he wrote in an op-ed in the *Post* in January 2006: “Certainly, a vote in the House alone won’t mean equality for D.C. residents. Like

Americans elsewhere, the people who live in Washington deserve representation in both the House and the Senate. Passage of the D.C. Fair Act, however, would provide a crucial first step.”<sup>45</sup> The DC Fair Act is not only a first step, it is a small step. Given the current political context, however, it might just be the best deal D.C. residents can get right now.

It is shortsighted, however, to focus only on the current political context. While advocates for greater democracy in the District must gauge the feasibility of any proposal today, it is equally valuable to think of strategies to shape the future political context. While there may not be a new civil rights movement on the horizon, there is great potential to generate interest in democracy in the District. Public opinion research demonstrates that most Americans are ignorant of the inequity faced by District residents. On one hand, this makes the current drives for democracy all the more difficult. On the other hand, ignorance is not opposition. With the aid of major educational campaigns, advocates for democracy in the District may be able to generate the national support needed to change the political context. Public opinion research into American beliefs regarding national representation and self-determination for the District helps reveal not only current public opinion, but also how opinion might be shaped into support in the future.

## Public Opinion and the Status of the District of Columbia

*“Well, I just think . . . I like equality – I like things to be fair and so it doesn’t seem, it’s not fair at all, it doesn’t make a lot of sense in present day. I was just trying to relate to, you know why it might have been, and I think I’ve gotten some more information on that. But, no, I don’t like it to be that way.”*

*~ Focus Group Participant, Des Moines*

The history of District residents’ disenfranchisement and their movements to gain political rights provides one perspective with which to view future strategies. The current economic and political context, provides another. A third perspective comes from analyzing public opinion; investigating what ‘average’ Americans think about D.C.’s political situation.

While an understanding of history and current context can clearly help inform the choice of strategy, the value of exploring public opinion is less obvious. Because D.C. residents cannot gain suffrage of any type without the approval of Congress, and, depending on the alternative that is pursued, without the approval of many state legislatures, the opinions of residents of the fifty states matter. Assuming that these state residents influence the opinions of members of Congress and their state legislators, it is important for advocates of greater democracy in D.C. to understand how these Americans think about the District’s political situation. The first step in gaining their support, which is ultimately a key to any strategy’s success, is learning to understand how they think about the issue. Therefore, it important to explore public opinion.

In my study of public opinion, I have assumed that, at some level, the views of constituents shape or reflect the views of their representatives. The contrasting findings of researchers who have examined the issue of constituent representation in political decision-making demonstrate that there is evidence supporting and refuting this assumption. In their path-breaking study of constituent influence, Warren Miller and Donald Stokes found that the votes of members of the House are somewhat influenced by the opinions of their constituents “at least on issues of social welfare, foreign involvement, and civil rights.”<sup>1</sup> Fifteen years later, Robert Erikson, in a follow-up study, argued that Miller and Stokes underestimated the strength of constituent opinion and that “there appears to be more congressional representation of constituency opinion than has previously been realized.”<sup>2</sup> Without a consensus to guide me, I have chosen to assume that constituent opinion does have a significant impact on the political process and is therefore a worthwhile subject of study.

Public opinion on an issue can generally be studied using two approaches: quantitative and qualitative. Each approach has its advantages and disadvantages. Quantitative explorations of public opinion, which most commonly rely on survey data, have the advantage of precision and replicability. That is, surveys allow researchers to express opinions in terms of exact percentages and they can be verified and tested by other

researchers. Another prime advantage of survey research is that, if the study is conducted well, the researchers can safely argue that their findings are statistically representative of a larger population and therefore can be generalized to that broader population. For example, if a survey finds that 95% of 1,000 Iowans polled supported D.C. statehood, statistical inference permits extending the findings to claim that 95% of all Iowans probably felt the same way. Because of these various advantages, quantitative research is a powerful tool.

Surveys, however, have limitations. They usually pose close-ended questions asking respondents to indicate their opinion by choosing from a pre-determined list of options. It is difficult for these surveys to account for opinions that fall outside this list of options. But, perhaps of more concern, surveys can produce findings about attitudes that are poorly formed or were only created in response to the survey question. When examining the opinions of Americans living outside of the District about the issue of the city's political future, it is dubious to assume that the American public has well-formed opinions on the matter. As Edward Meyers notes in *Public Opinion and the Political Future of the Nation's Capital*, "D.C.'s political status is a nonissue to the vast majority of Americans."<sup>3</sup> Few people outside the District think about the District and it is unlikely that survey data regarding this issue reflect little more than the "snap judgments" of respondents.<sup>4</sup> While it may be useful to know these snap judgments, to truly understand how the residents of the states think about the political status of District residents, we must look beyond the quantitative explorations.

Individual interviews, group interviews, and focus groups are all qualitative research tools that provide greater insight into the complexities of public opinion. In contrast to quantitative research, qualitative explorations of public opinion allow participants to express their opinion in a more nuanced fashion and give researchers a sense not only of *what* the respondent thinks about a subject, but also *how* she came to that view. Focus groups have an additional benefit: because "people do not make decisions in isolation but are influenced by others' opinions and reactions," focus groups may provide a more dynamic view of respondent opinion than a static survey.<sup>5</sup> In short, qualitative research has the advantage of providing rich, textured data.

Despite their potential, focus groups also have disadvantages. Four limitations include: (1) focus groups generate data subject to the interpretation of the researcher more so than survey results; (2) focus group findings cannot be considered representative of anything but the groups themselves; (3) focus groups are not natural settings for conversation and therefore may produce contrived results; and (4) the course of the discussion can be heavily influenced by the focus group moderator.<sup>6</sup> While focus groups and other qualitative tools can reveal public opinion in ways quantitative research can not, both are limited in specific ways. In Meyers' words, "all research methods have their limitations, and one method should not be used as a substitute for another."<sup>7</sup>

### ***Quantitative Studies and Findings***

The most thorough and recent surveys of national opinion regarding D.C.'s political situation have been conducted by public opinion researcher and historian Mark David Richards. Richards supervised three national studies, the first in 1997, that asked

statistically representative samples of Americans living outside of the District what they thought about congressional representation and an expansion of home rule for the residents of the District. His studies show that attitudes remained relatively constant between 1997 and 2005.

Strong majorities of Americans support giving D.C. residents the same congressional representation as that enjoyed by residents of the fifty states: two senators and a number of representatives in the House proportional to the District's population. In 1997, 79% of respondents supported full voting representation. Richards found two years later that support had dropped to 72%, but by 2005 support was again higher at 82%.<sup>8</sup> Respondents have also consistently responded favorably when asked if they support greater home rule for the District. Asked in 1997 if "residents of Washington, D.C. should have the right to elect their own local officials to run their city government, like other U.S. cities," 87% of the respondents said they should.<sup>9</sup> Richards rephrased the question in 2005 asking if survey participants would support or oppose "a bill that would give the elected D.C. government the right to control its own local budget." In response, 71% of those polled said they would support such budget autonomy while 19% opposed the bill and 10% did not know which position they favored.<sup>10</sup>

These high levels of support for congressional representation and home rule did not always translate into support for D.C. statehood. Richards notes that among the respondents who supported equal voting rights for District residents in his 1999 study, only 57% supported statehood.<sup>11</sup> There are two possible explanations for the discrepancy between the high levels of support for both voting representation and budget autonomy and the lower level of support for statehood. First, the wording of the survey questions could have caused confusion among respondents who were unclear as to what was being asked. Second, it is also possible that respondents have only a minimal understanding of what budget autonomy and statehood do and do not entail.

Perhaps the most telling finding from Richards' research, however, is how ignorant most Americans are of D.C.'s unique political situation. Richards reports that of the people polled in 2005, 78% incorrectly thought that District residents had the same voting rights as the residents of the states.<sup>12</sup> College graduates were the demographic most likely to know that D.C. residents had unequal congressional representation, but even among this highly educated group, those who did not know the true story outnumbered those who did.<sup>13</sup> The fact that so few people knew that D.C. residents do not share the same rights as the residents of the states is a strong indicator that national surveys on the issue are collecting snap judgments based on very little background information. In addition to being plagued by uninformed opinion, our understanding of national public opinion is also limited because survey respondents only say *what* they think about D.C.'s situation, not *how* they think about it.

### ***Qualitative Studies and Findings***

To understand how people think about D.C.'s political status, we must look to qualitative data, especially focus groups. The focus group study which I conducted during the fall of 2005 was inspired by and built upon the work of Edward Meyers' study, which

he published in 1996.<sup>14</sup> Meyers conducted five separate focus groups, one of which was in Iowa, between the fall of 1992 and the spring of 1993 that explored the question of how average Americans thought about D.C.'s political situation. Largely following in Meyer's footsteps, I conducted a series of three focus groups in Iowa with a total of 24 participants in October 2005. Two of the sessions were held at Drake University in Des Moines and a third session was conducted at Grinnell College in Grinnell, Iowa.

I recruited participants for the Des Moines focus groups by first compiling a list of politically aware Iowans based on referrals from acquaintances. From this large pool, each person who was contacted and expressed interest in participating was pre-screened through either a phone interview or email questionnaire. (A copy of the screening questionnaire is included in Appendix A.) I selected the final focus groups based on these responses. Each Des Moines participant was given \$15 for his or her participation. The Grinnell group, which was originally envisioned as a 'mock' practice session, was selected based upon my knowledge of the students' political awareness and their interest in participating. The students did not receive compensation for their participation.

Expanding on Meyers' model, each focus group discussed participants': (1) perceptions of the city; (2) attitudes regarding the District's current political situation; (3) attitudes regarding alternative arrangements for the District; and (4) opinions on the effectiveness of a variety of campaign messages that have been used by District democracy advocates. At the most basic level, these focus groups provide a wealth of information about what 14 residents of the Des Moines metro area and 10 students at Grinnell College think about those four topics. While this is valuable information, the greater value emerges from the analysis of *how* the participants thought about the District and the unique political status of its residents.

### ***Methodology and Participant Demographics***

To put the focus group in context, it is helpful to understand the demographics of the participants. These demographic markers do not necessarily determine or influence the opinions of the participants. But this information, when considered along with the findings, can introduce new research questions and suggest correlations between personal background and opinion that are then ripe for further study. Similarly, these demographic data do not serve as the foundation of a representative sample. That is, the findings of focus groups cannot be generalized to be representative of groups of people with similar demographics.<sup>15</sup> The findings of these three focus groups only reveal how these three groups of people, when engaged in a two-hour moderated discussion, thought about the political situation of the District.

Because the Des Moines participants were pre-screened and the Grinnell students were not, the following profile only captures the fourteen focus group members in Des Moines. (A full demographic breakdown of these participants is included in Appendix B. The appendix, like the rest of this analysis, relies on pseudonyms to protect the confidentiality of the participants.) As a result of the screening process, all focus group members described themselves either as usually or very interested in politics and only one had lived in or near the District. I sought politically aware participants on the assumption that the opinion of someone who self-identified as moderately interested or uninterested

would be less valuable for the purposes of this study. Participants who consider themselves interested in politics are the ones most likely to voice their opinions should the issue of democracy in D.C. ever return to Congress or the state legislatures. It is their opinions that interested me most.

With one exception I also screened out potential focus group members who had lived in or near D.C. Had many participants lived in or near the District for a considerable period, it would be dubious to classify their opinions in the same category as that of someone who had never lived in the city. Former residents of the District might not be locals anymore, but they were at one point, and the experience they gained from that residency was a variable I attempted to exclude from the study as much as possible.

Based on the remaining screening criteria, the focus group participants in Des Moines had a mix of characteristics. In some ways, this heterogeneity runs contrary to conventional focus group methodology. One textbook argues that “it is better to select relatively homogenous groups in order to have a sufficient basis for communication among the participants.”<sup>16</sup> I would have preferred to control for more demographic variables and achieved more homogeneity among the fourteen participants, but the difficulty of recruiting enough participants with a limited research budget forced me to relax my screening on all the criteria except political interest and residency in or near D.C.

As a result, the fourteen participants in Des Moines constituted a mixed group. In terms of gender, two-thirds were women (9 of 14). Self-identified liberals (9) outnumbered moderates (3), while one conservative shared the room with one person who identified as very conservative. No participant chose the label of “very liberal.” Looking at age, more of the group members were alive for John F. Kennedy’s assassination than not, while presumably only two could have used the internet for their college research. All participants were older than 18.<sup>17</sup> The focus group participants were well-educated. All had graduated high school while three held bachelor’s degrees, and seven held master’s degrees. Such high levels of education made this group unrepresentative of the Des Moines area, but perhaps a better group with which to explore politically aware public opinion.<sup>18</sup> Income-wise, focus group members were disproportionately wealthy compared to the general Des Moines area, which most likely reflects their disproportionate educational levels.<sup>19</sup> Finally, all but two had visited D.C. at some point in their lives and two-thirds had either family or friends living in or near the nation’s capital. Given this medley, the findings may be skewed because of bias correlated with demographic factors or by the dynamic created by such a mix of people. While I acknowledge this possibility, I also strongly believe that these focus groups, despite their heterogeneity, provide invaluable insight into understanding how two groups of politically active Iowans think about the political situation faced by District residents.

I did not use race as a criterion in the screening process. Choosing not to use race, I was keenly aware that this might have a dramatic effect on my focus groups.<sup>20</sup> While this decision leaves my findings open to criticism, I also believe that the assumption that race would influence a person’s thinking on this issue is one that begs further study. Meyers, at one point, asserts that “obviously, a large urban center such as Detroit, with its majority black population, would likely support equal political rights for D.C. residents, but not much would be learned from such a focus group.”<sup>21</sup> To the contrary, my own deliberation over whether to use race as a screening criterion forced me to realize that a

great deal could be learned from a series of focus groups on the issue of D.C.'s political situation where race was the dominant variable in determining who participated in the group. To my knowledge, there has never been a qualitative study that explored whether race is a predictor of opinion on the D.C. question. My study was unable to approach that valuable question.

The statistical and demographic analysis above does not include the focus group conducted at Grinnell College. That session, which included 10 college students, was originally designed as a “mock session” that would allow me to work out any design problems before I conducted the two sessions in Des Moines. Because it was originally envisioned as a mock session, participants were not formally screened and therefore did not provide demographic data.<sup>22</sup> Aside from this, I employed the same methodology, discussion guide, and post-survey questionnaire with both the Grinnell and Des Moines groups. After reviewing the transcripts, I realized that the comments from the Grinnell focus group were more valuable than anticipated. This posed a dilemma over whether to use data from a focus group where participants were not as rigorously screened as the others. I concluded that the value of using these data was greater than any harm that might be done by incorporating it in the analysis. I have tried to explicitly distinguish between comments made in Des Moines and Grinnell in the hope that this will allow readers to determine for themselves how much they wish to discount the comments from the unscreened Grinnell group.

These focus groups provide valuable insight into how three groups of politically interested people living outside of the District think about the political status of the residents of the nation's capital. In total, the six hours of discussion among 24 people at three separate sessions provides an enormous amount of information in a way that would be almost impossible to glean otherwise.

### ***Sequence of Focus Group Sessions***

The actual sessions themselves were broken into four segments that lasted a total of two hours. (A complete copy of the discussion guide used to conduct the sessions is included in Appendix C.) Following brief introductions, participants were asked to share their perceptions of the city and residents of D.C. Then the conversation was directed toward examining the political status quo. Each participant received a handout describing the key elements of the District's political situation and was asked for her reaction to that information. Growing out of the discussion of the current state of affairs was the third and longest segment of the session, a discussion of alternatives to the status quo. I presented the alternatives of statehood, retrocession, full voting representation, some voting representation, abolition of federal taxation, and left open the possibility for other alternatives. Because statehood covers both the issues of self-determination as well as congressional representation and is easily understood, participants were first prompted to describe how they felt about the alternative of statehood. After thirty minutes on this topic, panelists shifted to thinking about messaging after they watched twelve minutes of video clips produced by advocates of greater democracy in D.C. The first video, *It's Time*, was produced by the non-profit DC Vote in 2000, and the second video included excerpts from *New Columbia: 51<sup>st</sup> State of the Union*, a movie commissioned by the D.C.

Statehood Commission in 1989.<sup>23</sup> Following the viewing of the video, participants gave their opinions regarding the effectiveness of certain messages, images, and slogans used in the videos. The last ten minutes of each session were dedicated to an open-ended conversation about what conclusions and lessons participants gained from the two hours of discussion.

### *Analyzing Focus Groups*

Six hours worth of conversation is a rich, but unwieldy amount of qualitative data. Aiding me in my interpretation of the focus groups is Meyers' analytical framework. Using what he terms "schemata," which are the set of values, principles, and ideas that guide one's evaluation of new ideas, Meyers categorizes participants' responses into six underlying categories.<sup>24</sup> Each schema can encompass a varying degree of concepts and, as a whole, "the schemata may be linked to one another, they may overlap one another" or they may be disconnected from each other.<sup>25</sup> In other words, the framework for categorizing the principles that inform participants' opinions regarding the District can never adequately explain participants' actual thought processes.

People do not usually think in easily explainable ways. Analytical frameworks that attempt to capture the complexities of human thought inevitably fall short because they are, by necessity, simplified tools used to make order out of what is inherently messy. Put differently, any analytical framework will simplify the complex data of focus groups and lose something in that process. Meyers acknowledges the limitations of his schemata framework but argues that six broad concepts guided his participants' thinking.

Meyers described the most dominant principle guiding his participants' thinking as the "democracy schema." He describes this as a belief "that the full rights of democracy should be extended to all Americans." Belief in the "democracy schema" generally led to support for national representation and local self-determination. The "second most prevalent" principle Meyers encountered was participants' belief that the federal government was overly-involved in Americans' lives and was also bloated and inefficient. This "anti-big-government schema" generally led focus group members to support greater home rule. Militating against a full expansion of home rule through statehood, however, was participants' "difficulty in matching what they knew about D.C. with their concept of what a state should be," which Meyers called the "state schema." Participants also hesitated from embracing alternative arrangements for the District because of the "Founding Fathers schema" – deference to their conception of the Founding Fathers' original plan for the national capital. Finally, the "D.C. schema" and "special treatment schema" respectively encompassed the negative attitudes that grew out of participants' dismal perceptions of the city and their unease with the possibility of the District gaining disproportionate influence in Congress if it gained full voting representation.<sup>26</sup>

While these six schemata were instrumental in helping me shape my own analytical framework, they did not fully capture the dynamics in my focus groups and therefore I could not adopt them whole-heartedly. Instead, below I propose an alternative analytical framework for examining the principles that informed participants' thinking about D.C. In places where I found an overlap with Meyers' schema, I have endeavored to point out the consistency. I have also attempted to highlight some of the noteworthy

differences between our frameworks. Similarities and differences aside, it is important to keep in mind Meyers' observation that "there is no one correct way to organize the information."<sup>27</sup> People approach the issue of democracy in D.C. from myriad perspectives, the data are messy, and the analytical framework never exactly suffices. But, our inability to illuminate all of the participants' thinking should not stop us from casting a spotlight as best we can on people's perception of D.C., what they think of the District's situation, how they think of the District's situation, and which messages strongly resonate with them.

### *Participants' Perceptions of Washington, D.C.*

When prompted to articulate what they thought about D.C., focus group participants generally perceived Washington as a unique city with a variety of urban problems. The glossy postcard image of the nation's capital, replete with monuments and wide boulevards, popped into many participants' minds right away. But, others voiced perceptions that spoke to the city that lies beyond the border of that postcard. "I think racially diverse," one participant offered. "Ethnically diverse . . . [and] economically diverse. Primarily those three."<sup>28</sup> While some participants saw this diversity as an exciting feature of the city, others linked D.C.'s majority black population to urban poverty.<sup>29</sup> "I remember reading something" that said that "the people who live within the city are pretty much black and poor," one Grinnell student recalled.<sup>30</sup> Dave, a non-profit manager from Des Moines, said that prior to his recent visits to the city he would have characterized the city as having "incredible poverty, incredible crime," but his time in D.C. had partly dispelled this notion because he saw that "in fact, there's a lot of money out there."<sup>31</sup> Variations on the themes of a beautiful city facing issues of race, class, poverty, and crime arose in each focus group.

Participants also thought about D.C. primarily as a political place. When one participant thought about Washington, she explained, "I think politicians, politicians, politicians."<sup>32</sup> Lauren, who had worked in government herself, also wondered, "if there's anything but government out there . . . is everything just centered around accessing the government . . . and the politicians?"<sup>33</sup> At times participants seemed to define D.C. not partly by its political character, but solely by its political character. A first-year Grinnell student asked, without a hint of sarcasm or cynicism, "do people live in D.C.?"<sup>34</sup> It was difficult for some focus group members to envision Washington as more than the nation's capital and its political center. D.C. was so political it was not perceived like other cities.

Similarly, some focus group members felt that D.C. was different than other cities because it had no strong identity outside of politics nor any industry. Tessa, a student from St. Louis, perceived D.C. differently than other cities because, "D.C. lacks some of the defining regional . . . characteristics a lot of cities have . . . in St. Louis you think ravioli . . . [in] Boston it's clam chowder. D.C. doesn't really have anything like that."<sup>35</sup> Cities, in Tessa's mind, were culturally unique places, and because she had no perception of D.C. as being culturally unique, it was not like other cities. Cultural idiosyncrasy, however, was not what led all participants to perceive D.C. as different from other places. For Irma, a straight-talking, no-nonsense community activist older than all other participants, the perceived difference was much more tangible. "There's no industry in

Washington, D.C.,” she explained.<sup>36</sup> The fact that she held this perception throughout the session, despite watching a video that challenged her preconceptions, shows how strongly she held this opinion.<sup>37</sup> And, she is not alone. The District’s current non-voting delegate to Congress, Eleanor Holmes-Norton, has heard opinions such as Irma’s so often that in a 1993 interview she could succinctly summarize this perception: “D.C. has no cows or factories. People don’t see D.C. as a state.”<sup>38</sup> If people like Irma cannot see D.C. like a state, or do not think of the District like other cities, then it becomes easier to maintain the District’s political situation as an exception to the American rule of democratic equality.

### ***What participants thought of D.C.’s political situation***

Following each focus group session, participants filled out a questionnaire that asked them to specify which alternative political arrangements for the District they supported. The responses, which represent focus group members’ opinions after two hours of discussion, constitute the most straightforward set of data regarding what participants ultimately thought of D.C.’s political situation. (A copy of the post-survey questionnaire and a table of the responses are included in Appendices D and E.)

No participant in Des Moines supported the status quo and two-thirds went so far as to endorse D.C. statehood. The options of “some voting representation,” “full voting representation,” and “retrocession” each received one person’s support as did the “no opinion” and “other” options.<sup>39</sup> The post-session survey showed that support for full national representation and full home rule ran strong among the 14 participants in Des Moines.

Participants in Grinnell, although equally unsupportive of the status quo, were generally not willing to go as far as their Des Moines counterparts. While four of the students who filled out the post-session questionnaire indicated their support for statehood, three students checked the “other” box and elaborated that they supported alternatives that included a mix of some voting representation and limited or full home rule. Three students did not fill out the questionnaire, but gauging from the general trajectory of the discussion, they probably would have hesitated from supporting statehood as well.

### ***Opinion Formation: How participants thought of D.C.’s political situation***

At the end of one of the discussions in Des Moines, Irma summarized her feelings about D.C.’s situation, “I think it’s an interesting question . . . [and] from what I hear around the table, [there is] pretty much consensus . . . that it’s not a good situation for the people of Washington. However, the solution I think that you brought us is kind of like a multiple choice question, and I always find an answer that’s outside the choices that I’m offered.”<sup>40</sup>

Irma’s comment encapsulates a fact about the focus groups. All the participants were uncomfortable with the status quo, but they were not always certain which alternatives they supported. This made analyzing and categorizing how participants thought about D.C.’s political situation no easy task. In the section below I have tried to present some of the patterns, dominant themes, and illustrative exchanges that arose

through my analysis of the focus group transcripts. For the most part, I have focused on examining which principles motivated participants' comments and how those values play into the formation of an opinion regarding the present and future political situation of D.C.

At the broadest level, participants formed their opinions by balancing two types of principles: those that support an expansion of District residents' rights, which I call "expansion principles," and those that cause participants to hesitate from embracing such expansions, the "hesitation principles." As participants balanced these principles individually, they gave more weight to some than others. It was rare to encounter participants disagreeing because one believed in a certain principle while another did not. Instead, one focus group member would disagree with another because she emphasized certain principles to a greater or lesser degree than her counterpart. Disagreements were generally not based on different sets of principles; instead they were based on prioritizing those principles differently. And on the issue of the District, it was by weighing expansion principles against hesitation principles that each participant determined which alternative political arrangement for the District they could support. Since no focus group member supported the status quo, and therefore all participants supported some expansion of District residents' rights, it is simplest to first examine the expansion principles and then analyze how participants balanced those against the hesitation principles.

Among the expansion principles, the most prominent and most clearly held idea was participants' belief that all American citizens should have equal democratic rights. Articulating this idea, which Meyers dubbed the "democracy schema," Irma explained, "our constitution gives everybody – everybody – who calls themselves a resident, a certain amount of rights." D.C. residents, she believed, were denied access to those rights because they lived in a political "no-man's-land."<sup>41</sup> The notion of democratic equality was so strong that it led a number of participants to connect the situation of the District to past and current instances of discrimination. "It makes me relate . . . as a woman," Pam said, to women's inability to vote before 1920.<sup>42</sup> Roger, a self-described moderate, was more explicit when he stated, "It's clearly a discrimination here . . . a striking discrimination."<sup>43</sup> Many participants believed that Americans were guaranteed certain democratic rights and that District residents faced discrimination because they did not enjoy those rights.

While this principle was straightforward for some, others divided the principle of democratic equality into two subsets. On one side was the right to national representation, votes in Congress and the Electoral College, and on the other side was the right to self-determination, the ability to vote for a local government that did not have every budget and law subjected to approval by a higher legislature. Nearly all participants valued both national representation and self-determination, but not all participants weighted them equally.

Belief in the principle of national representation translated into support for voting representation in Congress for District residents. This principle was strongly articulated in an exchange brought about when one participant implied that because the residents of Puerto Rico were citizens without voting representation, perhaps it was not so extraordinary for D.C. citizens to be in the same position. Lauren did not find that argument persuasive. Without pausing to explore Puerto Rico's status she maintained her attention on D.C. residents: "But who is their representation? We're talking about

570,000 people that really have no representation.”<sup>44</sup> Lauren found it more useful to compare D.C. residents to residents of the states rather than residents of the territories. She pointedly asked the other panelists, “What makes them any different than us? Just because I live in Iowa, and they live in Washington, D.C.?”<sup>45</sup> For Lauren, the question of national representation was one of democratic equality and she did not see a difference between Washingtonians and Iowans.

Meyers would characterize Lauren as a “True Believer.”<sup>46</sup> She consistently and emphatically placed the greatest weight on the principle of representative government.<sup>47</sup> “Well, you know, we keep going back to facts, one of the facts that is a fact is they don’t have a representative or a senator.” “Right,” one panelist responded, “but what ramifications does that have?” Lauren replied, “but why [do the ramifications] make any difference if they truly are not able to vote on that representation . . . that’s the fact that I see . . . that these are 570,000 people who live in a place in the United States that don’t get to vote on a representative or senators for their representation.”<sup>48</sup> The issue was simple for Lauren. The ramifications and any principled issues raised by those ramifications were not part of her calculus. Lauren typifies the type of person who looks at D.C.’s political situation and thinks, “Why would anyone oppose congressional voting representation?”

Jonah, a Grinnell student, did not oppose congressional representation, but to him the most important democratic right was that of self-determination. “I don’t personally have a vested care one way or the other about representation,” he explained. However, the “fact that local taxes aren’t controlled locally is very outrageous.”<sup>49</sup> Here, Jonah clearly distinguished between the democratic principles of national representation and self-determination. They may be related, but for him, they deserved to be weighted differently. Susan, an attorney and teacher, also demonstrated that she weighted the two principles differently when she argued that the “easiest thing to change” would be a removal of congressional oversight. She believed that removing congressional oversight would be the simplest first step because, in her mind, the principle of self-determination is more valuable than any other, including the principle of national representation. She assumed others placed great value on self-determination, and therefore, politically, local autonomy would be easier to achieve than national representation. Susan and Jonah’s strong belief that self-determination was a basic American right led them, and others, to support an expansion of home rule, including the alternatives of statehood and retrocession.

Other participants valued self-determination not only because they believed it was a cornerstone of American democracy but also because they felt it was key to raising a community’s quality of life. Seth, a Grinnell student, for instance, felt that any support for statehood should be based more on the potential ameliorating effect it would have on the city’s problems than on the size of the area’s population. “D.C., I’m assuming, has a lot higher poverty rate, higher crime rate [than Wyoming] . . . Those facts more support the idea that they would need state representation.” In this sense, self-determination was important to Seth not because it was some inalienable right, but because he felt it would help District residents better their lives. Irma was similarly concerned that, without self-determination, residents would feel powerless and would not take the time to make their neighborhoods better. “For those people who really care what happens to their town, and

to their neighborhood, and to their neighbors, they have no power to do anything about it.” Given that situation, Irma asked, “who’s going to control the crime? Who’s going to watch the neighbor, who’s going to watch the people who are illegally parked or illegally doing other things that they are?”<sup>50</sup> In essence, without self-determination, how can District residents make their lives any better? Seth, Irma, and other focus group members valued the expansionary principle of self-determination because it is what gave people the power to effect change in their local communities.

In a number of cases, however, participants’ belief in self-determination led them to hesitate from deciding which alternative to support. In this sense, self-determination was both an expansion principle and a hesitation principle. The interests of local residents were so important to one focus group member that, if D.C. residents didn’t want change, he didn’t think it made a difference what the focus group thought of the status quo or the alternatives. “I kind of think that we’re making the assumption that people want that change, that people even think about that change,” he explained.<sup>51</sup> “I wonder, do [D.C. residents] have these discussions, do they really care? And if not, is it a moot point?”<sup>52</sup> This statement garnered agreement and another participant followed-up by saying, “the initiative would have to come from the residents, whatever we think about it, we say, oh, we should do this, well, we don’t live there. I think it has to start with the individuals in that area.”<sup>53</sup> Both focus group members were ready to support an expansion of political rights for District residents, but they did not want to throw their support behind any expansion without knowing which alternatives District residents supported, if any. Thus, if District residents wanted congressional votes or greater home rule, these participants’ belief in self-determination would lead them to support that expansion. If District residents did not want to change the status quo, however, these participants’ belief in self-determination would cause them to hesitate from advocating for change. While the principle of self-determination generally led focus group members to support an expansion of home rule, in some cases it caused them to wait to hear District residents’ opinions before committing to a specific stance on the issue.

Complementing participants’ belief that Americans should enjoy the democratic rights of self-determination and national representation was a sense that D.C.’s residents were not only being treated unequally within the country, but also treated unequally relative to the residents of other national capitals around the world. Some participants articulated that the universality of democratic rights was a principle that led them to question America’s exceptional treatment of the residents of the nation’s capital. “Why do we have to handle our national government differently than every other nation in the world?” Irma asked.<sup>54</sup> In a different session, Marissa raised the same point by noting that “no other country that I can think of in the world . . . [has] this kind of problem.”<sup>55</sup> None of the other focus group members could think of another democracy that constrained the rights of the residents of the national capital in a similar way as was done in the District and this made them concerned. The fact that District residents were the exception to the global democratic rule meant they were more inclined to expand District residents’ rights.

Furthermore, the discrepancy between the current domestic policy allowing unequal democratic rights for District residents and the current American foreign policy premised on the rhetoric of spreading democracy around the world added weight to participants’ principled belief in universal democratic rights. “We’re hypocrites,” one

participant argued. Democratic representation is “a right that we brag about around the world and we try to export our form of democracy and yet we’re not living up [to it.]”<sup>56</sup> Looking at the District’s situation, another focus group member agreed and contended that “it makes us no better than some of the countries we’re trying to reform in many regards.”<sup>57</sup> These participants’ belief in changing the status quo did not solely originate from this frustration, but their support of the expansionary principles of democratic equality was made stronger by their indignation at what they perceived as American hypocrisy.

While principles of national representation and self-determination within both the American and global context were the strongest expansion principles, a couple of participants also disliked the status quo because they opposed a large federal government. The federal government, for these participants who embraced the “anti-big-government schema,” was too big to govern the District efficiently and should focus more on matters of national importance.<sup>58</sup> Although Meyers often encountered these sentiments, I found the “anti-big-government” principle less often and saw it as a minor expansion principle among my focus group members.

On the other side of the mental balance of opinion formation, across from the expansion principles, are the hesitation principles. There were four main ideas that caused participants to question whether they could fully embrace an expansion of rights for District residents. These principles were: (1) deference to the Founding Fathers’ plan for the nation’s capital; (2) a conception of what constituted a state; (3) political pragmatism; and (4) a fear that District residents could become overrepresented. Generally speaking, participants found it most difficult to reconcile their deference to the Founding Fathers with their belief in equal democratic rights.

The principle that the nation’s capital should not be within the bounds of a state, an idea many participants traced to the Founding Fathers, was one that gave numerous participants pause. One Grinnell student said that she thought that since the time of the Founders, “the rationale for having things the way they are” in the District was that “the seat of government should be unlike a state in that it should not be focused primarily on local interest.”<sup>59</sup> Following that same line of logic during a session in Des Moines, Nora, a young university student who described herself as “very conservative,” postulated that “maybe one of the benefits” of D.C.’s lack of representation, was that it kept the nation’s capital “a very neutral place.”<sup>60</sup> Pam did not like Nora’s train of thought and countered by positioning her argument as if she was living in the District: “I feel like, as an American, I have rights, and I don’t like the fact that somebody’s going to dictate that because I live in D.C., I can’t do any of those things”<sup>61</sup> For Pam, Americans should have equal democratic rights and the principle of “one person, one vote” was paramount. Nora, in contrast, was trying to balance that idea with a number of other principles. She later explained that she was “trying to think about it from the individual’s perspective, but also [from] the state perspective, and the government perspective. How do you mesh those?” she asked aloud.<sup>62</sup> Attempting to balance her belief in individual civil rights with the practical considerations of state residency and the principle of a neutrally-located national capital, Nora hesitated to embrace alternatives such as statehood and retrocession.

Brendan in Grinnell shared Nora’s concern that other principles were at play. Explaining why he supported voting representation in the House but not the Senate, Brendan held fast to the idea that senators must come from states and explained, “I don’t think D.C. should be in a state because . . . it’s not supposed to be, it can’t be in a state. It’s the capital.”<sup>63</sup> In this example, Brendan’s valuation of the idea that the nation’s capital should not be in a state trumped his belief in democratic representation for U.S. citizens. He wanted to see D.C. residents have representation in the House, but because giving D.C. residents a senator would traditionally require making the city into a state or returning it to Maryland, which would clash with the notion of a neutral seat of government, Brendan could not support senators for D.C.

Meyers found that many of his participants shared Brendan and Nora’s “enduring faith in the transcendent wisdom of the Constitution’s framers” and few willing to criticize the Founders.<sup>64</sup> Among my participants, I found more willing to put aside their deference for the Founders and argue that whatever original plan existed for Washington, D.C., it no longer worked. Responding to a comment from another focus group member, Marsha contended, “You can support the founding fathers, but we also should recognize that this was over 200 years later and, you know, slavery was in [the Constitution and that was wrong] . . . Women couldn’t vote, that’s wrong, so we amended the constitution so women could vote.”<sup>65</sup> Irma also felt comfortable arguing that the Founders did not get everything right on the issue of the District. “They put this together, what 400 plus years ago?” she asked the group. “Lots of times we put together a plan, that when you start working with it, it turns out . . . there’s a lot of breaks in it.”<sup>66</sup> Unlike Meyers, I found a number of participants who joined Irma and Marsha in seeing the Constitution as an imperfect document in regard to the District.

But, there is no question that deference to the Founding Fathers was a very strong hesitation principle. At one point, Joan was thinking aloud and her words reveal the internal balancing she was trying to accomplish between her belief in democratic equality and her deference to the founders. She said:

Well, I just think . . . I like equality – I like things to be fair and so it doesn’t seem, it’s not fair at all, it doesn’t make a lot of sense in present day. I was just trying to relate to, you know why it might have been, and I think I’ve gotten some more information on that. But, no, I don’t like it to be that way.<sup>67</sup>

Joan’s wavering reveals the difficulty she was having in meshing principles that led her in different directions. On one hand, her belief in equality led her to favor an expansion of rights for District residents. On the other hand, her interest in “why it might have been” illustrates that the historical rationales of the Founding Fathers are palpably powerful in the present day and lead participants to hesitate from supporting any change from the status quo.

In contrast, another hesitation principle, participants’ conception of a state, had no effect on participants’ attitudes regarding national representation. It did, however, influence their opinions toward statehood and retrocession. As Meyers explains in his description of the “state schema,” focus group members had trouble imagining D.C. as a

state because they either thought D.C. didn't look like a state or they did not believe the city could be economically viable as a state. No participant ever defined what a state should look like, but many knew that D.C. didn't fit well with their unarticulated image of a state. One thought D.C.'s population was too small, another got caught up when he realized there would be no separate state-level capital city if the District became a state, and a third envisioned states as having industry and agriculture, not just "politics and a residential area."<sup>68</sup> Some participants found it hard to support statehood because they couldn't imagine D.C. as a state. Other participants were afraid that if D.C. became a state, it would not be economically self-sufficient. Because so much land in the District is owned by the government, both the federal and local, as well non-profit organizations, two participants expressed the fear that the District would not have the property tax base from which to fund city services.<sup>69</sup> The oft-expressed perception that the city had no industry, and therefore had no solid economic base, also fed into this fear. For the participants who did not support statehood, this difficulty in conceiving the District as a state weighed heavily in their minds.

Being a politically-aware group, many participants also evaluated the alternatives, and shied away from some, based on their sense of what was politically practical. That is, focus group members thought about what alternatives had a chance of passing Congress or, in the case of retrocession, passing both Congress and the Maryland legislature. One focus group member argued that retrocession is messy whereas "statehood is just the cleanest, it's probably the toughest thing to do, but I think it's just the cleanest."<sup>70</sup> But, another disagreed. For him, retrocession seemed more practical because it meant that D.C. residents "wouldn't have to set up a whole new state government" to get the local control and congressional votes they deserved.<sup>71</sup> One participant, thinking about national public opinion, was not sure that retrocession would go over well in the rest of the country. "I think just explaining that would be a nightmare, and everybody understands statehood."<sup>72</sup> For her, the practicality of convincing people to support statehood tilted her away from supporting retrocession. Thinking a bit more about retrocession, Roger, a longtime observer of politics, ran into another practical consideration. He wondered, "would Maryland want D.C. back?"<sup>73</sup> Nobody could answer the question. But, this back-and-forth demonstrates how participants' evaluations of what was politically practical, which were based on widely varying criteria, led them to support different alternatives.

Finally, one other hesitation principle that Meyers observed made a brief appearance in my study. Jonah, an independently-minded Grinnell student, articulated the "special treatment schema," the fear that the District might be overrepresented if it gained voting representation in Congress. He speculated that "if there's a high percentage of the [District's] population involved as active lobbyists" then "that is kind of their way to representation."<sup>74</sup> This hesitation principle, however, was not widely expressed and Jonah was challenged by another participant who countered by noting that "by that logic most capital cities should be districted differently so that lobbyists don't vote."<sup>75</sup>

Taken together these four hesitation principles help explain the variety of participants' opinions regarding what alternative arrangements they would support. Every participant valued the expansion principles enough to advocate a change from the status quo, but they differed in the end because they each valued the hesitation principles differently. The exchanges between focus group members, the questions they posed to

each other, and the results of the post-session questionnaire cumulatively show that opinion formation on the future political arrangement for the District is a process of balancing principles which encourage an expansion of Washingtonians' rights against principles that cause them to hesitate from embracing such an expansion.

### *Lessons from the Focus Groups*

By understanding the expansion and hesitation principles, advocates for greater democracy in D.C. can better tailor their education and outreach programs. The key to convincing people to support an expansion of District residents' rights is not in asking them to adopt new principles or forsake older ones. Rather, the key to gaining support lies in increasing the weight the public places on the expansion principles and reducing the importance they place on the hesitation principles. For instance, an advocate could try to convince someone to abandon their conception that the Founding Fathers had a well-thought-out plan for the District and eliminate that hesitation principle altogether. Or instead, the advocate could spend less time arguing that point and spend more time trying to convince the person that even if the Founding Fathers did have a plan for the District, that plan no longer makes sense in the modern day. In other words, the hesitation principle poses no problem if the hesitation can be overcome by a stronger embrace of an expansion principle. Generally speaking, if the public emphasizes the importance of democratic equality and becomes less preoccupied with deference to the Founders and traditional notions of statehood, support for full democracy in the District will increase.

Outside of the framework of expansion and hesitation principles, a number of other noteworthy findings arose out of my analysis of how the Des Moines and Grinnell focus groups thought about D.C. First, no participant articulated that their negative perceptions of D.C.'s crime or corruption caused them to think twice about their principled stances. That is, participants did not question which alternative political arrangements for D.C. they would support because of any shortcomings they saw in the city. Using Meyers' terminology, no participant in my focus groups expressed the "D.C. schema." Even Marion Barry's appearance in one of the videos did not make any participants think twice. Instead, when asked about their reaction to seeing him on tape, participants unanimously conveyed the opinion that their feelings about D.C.'s former mayor did not present a conflict of principles. For the most part, Des Moines focus group members dismissed Marion Barry as a politician who had made bad choices. Dave expressed this sentiment well when he explained, "You are sometimes going to get people that are leaders that are good and sometimes you're going to get losers and that's just how it happens . . . I know in some peoples' eyes Marion Barry was not a loser."<sup>76</sup> Regardless of whether he was a winner or a loser, none of the participants felt that tainted politicians should have any bearing on D.C.'s political future.<sup>77</sup> It is also worth noting that only one of the ten college-age focus group members in Grinnell had any inkling of who Marion Barry is.<sup>78</sup>

Another aspect of the focus groups that posed problems for participants and raises potential new avenues of research was focus group members' difficulty incorporating their knowledge of the U.S. territories into their calculus. For the most part, focus group

members focused on comparing D.C. to the fifty states rather than to the territories despite the fact that one of the alternatives presented to the focus group members was making D.C. a territory. When they did compare D.C. to a territory, participants had only minimally-developed opinions based on the comparison. “I really think our seat of government should not be a territory,” one participant announced. “I’d have some philosophical problems with [making D.C. a territory.]” But, he never elaborated on what he meant by “philosophical problems.”<sup>79</sup> Similarly, another focus group member dismissed the idea of making D.C. a territory because she felt “there’s nothing in common” between D.C. and the territories despite her understanding that residents of both were U.S. citizens with unequal national representation.<sup>80</sup> In thinking about American democracy, territories were wild cards for participants. They did not fit neatly with focus group members’ principles of democracy and thus it was much easier to ignore the territories and compare D.C. to the states instead.

Finally, both the post-session questionnaires and the general course of the discussions indicated that younger focus group members placed less emphasis on the expansion principles of democratic equality than their older counterparts. Nora and Maurice in the Des Moines group and many of the Grinnell students showed considerably more hesitation toward the alternatives than the older participants. While this may be an idiosyncrasy of these groups, and while there were students who did not fit this pattern, the generational gap of opinion was striking enough to merit some conjecture as to its cause.

There are two plausible explanations for why younger participants were more hesitant to support full congressional representation and local autonomy than the older focus group members. First, students do not have the experience of having paid taxes year after year. Because taxes are more abstract for them, imagining taxation without representation did not generally produce as visceral a response in the younger participants as it did with some of the older focus group members. Second, the students did not live through the civil rights movement and therefore may not think of the “one-person one-vote” principle in the same way as the older focus group members, nearly all of whom were alive during the 1960’s. While this is conjecture, I believe it is safe to assume that focus group participants who were alive to see the struggle for voting rights, including images like those of black Americans being beaten back from the Edmund Pettus Bridge on Bloody Sunday in Selma, Alabama, think about voting rights in a different way than those focus group participants who were not yet born. For many of the older focus group members, the civil rights movement is an indelible memory. One of the participants even said that he had personally spent time in jail for “registering African Americans and Hispanic individuals” to vote in Texas.<sup>81</sup> For most of the students, however, the civil rights movement is only brought alive through history textbooks. It is not that either generation believes more in democratic values. Rather, it is how personal and strongly rooted those beliefs are that distinguishes the different focus group members.

### ***What Messages Resonated with Participants***

In addition to exploring what they thought and how they thought about the District’s status, the focus groups also discussed the merits and pitfalls of various

messages, images, and slogans. Near the end of each session, each group watched ten minutes of video that was produced to convince viewers to support an expansion of rights for District residents and then subsequently discussed the effectiveness of those videos for fifteen minutes. The first film, *It's Time*, is a five minute video that was produced in 2000 by the non-profit D.C. Vote. *It's Time* stresses the principles of democracy and calls for full voting representation in Congress. The second film consisted of excerpts from *New Columbia: 51<sup>st</sup> State of the Union*, a movie commissioned in 1989 by the D.C. Statehood Commission, which, unlike the D.C. Vote video, specifically endorses statehood and spends more time explaining the logistics of that proposal.<sup>82</sup> Neither video was a documentary. Rather, both were political editorials that were produced to convince viewers. I chose to use these two videos because I was interested to know which ideas, messages, and images included in the pieces resonated with participants.<sup>83</sup>

During the discussions that followed the videos, focus group members highlighted three messages that struck them while they were watching. First, some participants were surprised to learn how much D.C. is already like a state both politically and economically. Upon hearing that 70 percent of the District's workforce was employed outside of government, Lauren remarked, "I would have thought differently. My first impression would be: 'they're all government workers.'"<sup>84</sup> Another participant shared Lauren's surprise that D.C.'s economy was far from completely reliant on the government payroll. The new information in the videos allayed some of her concerns about the viability of D.C. statehood because it convinced her that "there [are] already a lot of legal and business services going on in the District that would provide a tax base for the state" and that the city government "already perform[s] a lot of state functions."<sup>85</sup> After watching the videos, statehood seemed much more practical to Dave, who had visited D.C. numerous times, because they showed that D.C. is "already functioning as a state for all practical purposes."<sup>86</sup> More than any other message, the economic and political viability of D.C. as a state, was new information that numerous participants appreciated learning.

Not as surprising, but no less moving for many participants, was the message that D.C. residents have served in the United States military without having a voting representative casting a ballot in the decisions to go to war and institute a draft. Perhaps because the videos were viewed in a wartime context, in all three focus groups, once one participant mentioned that District residents' military service resonated with them, a number of other participants around the table would second that sentiment. "Did I hear correctly," Dave asked, "that the District of Columbia had more men and women killed in action than the other states," per capita, during the Vietnam War? His fellow focus group members confirmed that one of the videos did mention that fact and Dave then explained that it, "really grabbed" him.<sup>87</sup> For Tessa at Grinnell, her response to the two videos' mention of the draft was personal. She explained, "the thing that stuck out in my mind, was your children being drafted, or in our case, people our age . . . being drafted . . . I feel like that's especially relevant now with the war in Iraq going on . . . that one particularly hit home."<sup>88</sup> Given that American troops are currently fighting in Iraq and Afghanistan, it is not surprising that the message of District residents' military service caught focus group members' attention, but it is instructive nonetheless.

The third type of message that garnered discussion following the videos was the basic principles of American democracy. "Taxation without representation," Carolyn

said, “that resonates dramatically with me and I think it does with most people.” While there was some debate in one of the sessions over the effectiveness of that well-worn slogan, most participants agreed with Carolyn.<sup>89</sup>

Equal civil rights was a message that stuck with another participant. She almost quoted the video verbatim when she reported that she appreciated the argument that District residents “don’t want special rights; they just want the same rights.”<sup>90</sup> Even among a politically aware group, which could easily have taken a cynical view of democracy, participants said they were moved by the message of extending American democracy to the residents of the District.

My findings about what messages had an impact on focus group members are far from conclusive. Given the wide range of opinions among a limited participant pool, and the large number of messages included in the two videos, it is difficult to assess which messages worked and which did not. I believe that the question of what images, ideas, slogans, and concepts resonate with Americans living outside of the District is ripe for more comprehensive research. An entire series of focus groups could be dedicated to exploring this question and the results of such a study would prove immensely valuable to advocates for greater democracy in the District.

### *Applying the Lessons of the Focus Groups*

Measuring public opinion regarding democracy in the District among Americans living outside of the city is difficult. National surveys provide some insight, but because responses in these studies likely reflect little more than snap judgments, and not well-considered opinions, the polling data constitute a flawed source of information upon which to base strategic decisions. More than anything, the survey data show that most Americans are ignorant of the inequity in the District and that educational outreach could prove fruitful.

Qualitative data, however, allows us to better understand how people outside of D.C. think of the issue. We may not know what alternative the average American would support for the city, but the focus groups do give a sense of what ideological frameworks and principles people use when fashioning their opinions. Focus group participants demonstrated that, for the most part, they determined their feelings about the status quo and alternative political arrangements for the District by weighing their expansion principles against their hesitation principles. Each participant weighted these principles differently and it was through a mental balancing process that they developed their opinion. For advocates of greater democracy in D.C., this is a telling finding. To convince more Americans to support a change from the status quo, the public need not be convinced of the importance of democratic principles. Instead, District advocates must convince their counterparts in the states to value their expansion principles more than their hesitation principles.

Assuming public opinion can influence the decision-makers who ultimately have power over the District – members of Congress and possibly state legislators – understanding how the public thinks about the political future of the District is a vitally important component in planning any strategy to change the status quo. Advocates for

greater democracy in D.C. can use this knowledge to tailor their campaigns to persuade the public to support national representation and self-determination for residents of the District. Incorporating the findings of focus groups will allow these campaigns to be both more efficient and more effective. And once advocates have informed substantial numbers of Americans to the point where polls, gauging considered opinion and not snap judgments, indicate wide-spread support for full democracy for the nation's capital, they will have a strong ally in public opinion.

## **Recommendations and Conclusion**

Washingtonians remain the only group of American citizens who fulfill the obligations required of residents of the 50 states, yet lack the political rights of states' residents. District residents' representation in the Electoral College is limited to that of the least populous state, their only voice in Congress is one non-voting delegate to the House, and, locally, the city council and mayor function at the whim of a Congress in which residents have no vote. In short, the District remains a colony.

The time, however, is ripe for change. District residents have not seen an expansion of their rights since the passage of home rule in 1973. In fact, between 1995 and 2001, during the Control Board era, District residents effectively lost control of their local government. Today, however, D.C.'s municipal government continues to maintain a stable level of fiscal responsibility and a new generation of advocates is rising to the fore. These younger activists have no memory and little knowledge of the fights for home rule or the D.C. Voting Rights Amendment. For them, the statehood movement of the 1980's and early 1990's is either a faded memory or the equivalent of a chapter in a history text. The defeats of the last 30 years are part of the past, and the future appears brighter than it has in years.

Advocates for democracy in the District, looking toward that future, face the challenge of choosing a strategy. Deciding on a course of action is no easy task, but the choice can be assisted by considering multiple perspectives. Individually and collectively, the District's history, the city's current political and economic context, and an understanding of public opinion, can help inform decisions about where to go next.<sup>1</sup>

### ***The Need for Full National Representation and Local Self-Determination***

Two centuries of District history demonstrate that District residents will never be treated like the residents of the fifty states until they have the same rights as residents of the states. Since the birth of the District in 1801, Washingtonians have been second-class citizens. Prevented from running their own government, District residents have instead grudgingly accepted, and at times resisted, governance dictated by a Congress in which they have no vote. The delegation of governance has taken many forms including: a mayor and city council for much of the early 19<sup>th</sup> century, a short-lived territorial government, three appointed commissioners, an appointed mayor and city council, an elected mayor and city council, and an appointed Control Board. The diversity of governance structures in the past 130 years reveals the unstable and unworkable nature of continued congressional oversight.

Full voting representation in Congress would remedy some of the current arrangement's failings, but it is not a complete solution. With votes in the House and Senate, District residents would have a voice in the decisions of whether spreading democracy abroad, rather than at home, was a worthwhile endeavor. They would gain a vote in the confirmation of judges and other appointed officials whose decisions affect their daily lives. "Taxation Without Representation" would finally become a historical

claim for democracy and not a statement of modern-day injustice in America. Full voting representation in Congress along with equitable representation in the Electoral College must be a long-term goal for the District.

Full national representation must not, however, be the only long-term goal. For District residents to gain equal rights, they must also have complete self-determination. In other words, they must have a local government as politically autonomous as local governments are throughout the fifty states. Currently, Congress exercises more direct oversight and control of the District than any state legislature exercises over any city.<sup>2</sup> Some argue that voting representation in Congress, while not removing congressional oversight, would give D.C. an empowered advocate in the Capitol who could reduce most congressional interference in city matters, thereby effectively making Congress the city's 'state' or parent legislature. Votes in the House and Senate would certainly do much to reduce Capitol Hill's involvement in local District matters, but it is wishful thinking to believe that the District would be treated equitably without having the sovereignty accorded to the states or, at a minimum, the cities in those states.

Outside observers often claim the current home rule arrangement provides sufficient autonomy for the District because Congress' relationship with D.C. is no different from that of a state legislature's relationship with a city in that state. This is an inappropriate comparison. There is a significant difference for example, between Des Moines occasionally being superseded by the Iowa legislature and the District being governed by Congress. Des Moines is not required to submit its budget to the Iowa legislature for approval every year. The city council and mayor of Des Moines, generally speaking, do not have to wonder whether the laws upon which they deliberate will be palatable to the Iowa legislature. The District government, on the other hand, has no such security. It must constantly attend to – and defer to – the U.S. Congress. Indeed, many focus group members were shocked to learn that District residents did not enjoy local autonomy like they did. Congress could address these issues by expanding home rule and delegating more authority, such as budget autonomy, to the District. This solution, however, is incomplete. Congress would only be delegating authority, not transferring it. As the District's history repeatedly reveals, what Congress delegates at one time, it takes back at another. The result is a city operating constantly and uniquely at the whim of Congress.

Proponents of continued congressional oversight support this arrangement by claiming that the District of Columbia is the nation's capital and is therefore justifiably governed by the national legislature. This is a sound argument, but not a reason to reject self-determination for city residents. The long-term solution to this problem is to reduce the District of Columbia to a small area, such as the National Capital Service Area, continue federal oversight of that reduced federal District, and transfer authority over the rest of D.C.'s land and residents to a state – either New Columbia or Maryland. Full national representation is vitally important, but unless it is accompanied by the self-determination enjoyed by the cities in the fifty states, District residents will continue to suffer the consequences of second-class citizenship.

### ***Long Term Goals and Strategies***

Achieving full national representation and self-determination is the only way District residents will gain rights equal to their counterparts in the states. In other words, these must be the twin long-term goals in any campaign to achieve full democracy. To reach this goal, there are two categories of strategies available – ‘simple legislation’ strategies and resilient strategies. Simple legislation strategies are those that attempt to enfranchise District residents with the passage of a bill, as opposed to a constitutional amendment, through Congress. Examples of this strategy are Rep. Eleanor Holmes Norton’s “No Taxation Without Representation Act” and Rep. Tom Davis’ “DC Fair Act.” Even if these bills were found to be constitutional, and somehow the District was granted full voting representation and self-determination through simple legislation, this transfer of power could be rescinded as quickly as it was given.<sup>3</sup> Such an unsecured transfer of power would not put District residents on equal footing with the residents of the fifty states who enjoy greater protection of their rights.

Therefore, to reach the long term goal of full and equal democracy, District residents should place the bulk of their energy into the pursuit of a solution with more permanence. There are three such resilient options. First, a constitutional amendment would add a greater level of security to any policy change. It is difficult to imagine how such an amendment would be constructed to provide both national representation and self-determination while not being exactly the same as either statehood or retrocession, but it is a viable option. The second option is statehood. As detailed earlier, this would involve reducing the size of the District under federal jurisdiction and transferring authority over the remaining area to a new state. The third option is retrocession. As with statehood, the size of the District would be reduced, but instead of transferring the remaining land to a new state, the authority would be shifted to Maryland.

Of these three options, the only one that has not been championed in recent decades by mainstream District leaders is retrocession. Because it has not received serious consideration within the city for more than one hundred years, giving it untested potential, and also because of its merits, advocates of democracy in the District should consider exploring retrocession as a primary strategy.

### ***Retrocession***

On paper, retrocession is the most elegant long-term strategy to achieve full national representation and local self-determination for the District. As citizens of Maryland, District residents would gain votes in Congress, full representation through Maryland’s Electoral College delegation, and the same local autonomy given to Baltimore, Annapolis, and other cities in the state. Retrocession also has the advantage of being politically palatable in unique ways. Rejoining Maryland would allow District residents to gain senators and a voting representative without increasing the size of Congress. In contrast to statehood and a constitutional amendment, the power of the fifty states, especially in the Senate, would not be diluted by retrocession and the chances of the enfranchisement of District residents causing a partisan shift in Congress would be lessened. The proposal has strong precedent dating to Arlington and Alexandria’s return to Virginia in 1846 and has proven to be constitutionally sound.

Economically, retrocession is perhaps the best answer to the city's structural imbalance. The District could reduce the costs of providing state services by taking advantage of Maryland's existing departments and agencies. On the revenue end of the imbalance, not only could D.C. benefit from joining a state with a larger tax base and the power to redistribute wealth from the Maryland suburbs back into the city, but the city could also gain needed revenue from a nonresident income tax if the Maryland government decided to impose one on Virginia commuters who worked in the retroceded area.<sup>4</sup> Retrocession would achieve the long-term goal of full democracy, as well as move the District far in addressing its structural imbalance, within a politically pragmatic framework.

What looks great on paper, however, faces the greatest resistance in reality. When retrocession is raised as a potential strategy, it is often quickly dismissed by leaders in both D.C. and Maryland.<sup>5</sup>

Among advocates of democracy for the District, opposition to retrocession originates from a variety of corners. Many District residents feel that, after more than 200 years of existing as a separate jurisdiction, returning to Maryland would extinguish the city's unique cultural and political identity. Those who emphasize the value of this historical independence usually desire citizenship in a state – a state named New Columbia.

Opposition may also stem from the political stigma attached to support for retrocession. Opponents of democracy in the District have historically taken advantage of the fact that no plan to return D.C. to Maryland has ever approached enactment. These opponents have supported retrocession to hide their opposition to politically viable proposals. Rep. John Rarick (D-LA) and Rep. Edith Green (D-OR) both used this tactic during the home rule debates in the early 1970's.<sup>6</sup> But opponents' exploitation of the retrocession idea does not diminish its merits. Advocates for democracy in the District considering retrocession must acknowledge the strategy's checkered past, but should not let it prevent them from embracing the idea in the future.

Finally, opposition to retrocession among District residents also stems from a consideration of political power. As part of Maryland, D.C. residents would vote for senators representing the entire state and might vote in a congressional district whose lines do not match current city boundaries. Under retrocession, the votes of District residents would have less impact than under independent statehood. From a racial perspective, this could reduce the influence of any black voting blocs in the majority-black District. This unfavorable comparison, however, emerges only if retrocession is contrasted with statehood. If retrocession is compared to the District's current situation, the provision of voting representation and local autonomy would translate into an increase in political power – for District residents of all races.

Opposition to retrocession comes from not only the District, but also from Maryland. Assuming the process follows the precedent set by the 1846 retrocession to Virginia, the Maryland legislature would have to accept any transfer of land. This poses a formidable obstacle because the District is an urban area replete with urban problems unappealing to many legislators.<sup>7</sup> Proponents of retrocession can however make a strong case that D.C. could provide Maryland with a steady stream of tourist dollars, a stable economic base in the federal government, as well as greater political influence through the

increase in the size of the Maryland congressional delegation. Although it faces resistance, retrocession could be a boon for Maryland.

Currently there is very little known about the feasibility or effects of retrocession proposals. Considering both how effectively the idea could solve many of the District's economic and political issues and how much resistance it generates, advocates for democracy in the District would gain a much better sense of the advantages and disadvantages of retrocession as a long-term strategy by commissioning an in-depth study of the proposal. Such a study would need to look at the economic effects on the District, on Maryland, and on the federal government as well as the political implications for the three entities. The historical stigma of retrocession is no reason to continue to ignore the option. In fact, retrocession was the first way a group of District residents, now citizens of Arlington and Alexandria, regained their rights. It may be the best way for the rest of the District's residents as well.

### ***Statehood***

Another long-term strategy to achieve full democracy in the District is statehood. Placing authority for most of the current district under the new state entity of New Columbia would have nearly the same effect as retrocession, with two significant differences. Economically, statehood would leave New Columbia with a very small tax base relative to other states and that base would be completely urban. As its own state, it would have to continue to provide state services without the benefit of Maryland's larger bureaucracy. New Columbia would, however, be able to raise much more revenue than the District currently does because it would have the authority to tax non-resident income, which would go a long way in diminishing the structural imbalance. Economically, statehood might be viable, but it does not offer the decreased costs nor the same increase in tax base that would accompany retrocession.

Politically, statehood differs from retrocession in that the city would retain its unique cultural and historical identity, which may translate into greater support for the idea within the District. Statehood is also more readily understood than retrocession in both focus groups and among D.C. residents, meaning that less educational energy would be required to explain the concept. Dozens of states have joined the United States since its founding, which provides ample precedent for the concept, but statehood for the District also has the recent precedent of defeat in the 1980's and early 1990's. Part of the reason statehood failed was that the conservative wave of the Reagan Revolution and the wave of corruption and inefficiency in the city government under the Barry and Kelly administration's crashed together, leaving Congress with little trust in the District's ability to govern itself. Even if there had been sufficient trust in the District, though, there may not have been enough trust in the controversial and left-wing New Columbia constitution. If statehood is tried again, District residents must call a new constitutional convention, enlist the support of both the political and business establishments, and forge a new document that can be more broadly-supported than its predecessor. Were Washingtonians to become citizens of New Columbia, they might continue to face economic difficulties as a jurisdiction with a small tax base, but they would gain full democracy and retain their 200-year-old identity as a separate jurisdiction.

### ***Constitutional Amendment***

The third resilient option available to District residents seeking equal rights is a constitutional amendment. This strategy, in 1961, led to limited representation in the Electoral College upon passage of the 23<sup>rd</sup> amendment. Seventeen years later Congress passed another amendment that would have granted District residents congressional voting representation if the states had ratified the proposal. Amending the Constitution to provide national representation is relatively straightforward and has precedent. Using an amendment to provide self-determination, however, could be complicated because it would, in effect, provide the District with the autonomy of a state, or at minimum the autonomy of an independent city within a state, while maintaining Congress' complete authority over some or all of the District. While it might be possible to craft a functioning amendment to provide both national representation and local autonomy, it would be more difficult to explain and gain support for such a complicated proposal than the alternatives of statehood or retrocession. Not only would it be more difficult to explain, but a constitutional amendment requires the assent of the greatest number of people of any proposal. Two-thirds of Congress and three-quarters of the state legislatures is a very high bar, especially in comparison to the simple congressional majority needed to admit a state and the majority votes of only Congress, the Maryland legislature, and D.C. residents needed to approve retrocession. In short, a constitutional amendment is the most complicated strategy for achieving resilient equal democratic rights.

### ***Short Term Goals and Strategies***

Given that the current political context allows only incremental expansion of democracy in the District, now is the perfect time to conduct long-term planning. The District will probably not gain full national representation or local autonomy in the next couple of years. During this time, advocates for democracy in the city could gain a better understanding of the advantages and disadvantages of the resilient strategies by commissioning in-depth studies – especially on retrocession and statehood proposals. With these studies in hand, advocates of each strategy could better debate the merits of each tactic and seek an agreement, or a least an understanding, about which the city should pursue. These coming years can be used to draft the plans and build the coalitions necessary to capitalize on any favorable change in the political and economic context so that advocates are prepared to seize any future opportunity to secure equal citizenship for District residents through statehood or retrocession.

Promoting the study of retrocession and statehood as a means of laying the foundation for future strategy is not a call to defer action today. Instead, this approach recognizes that District democracy advocates must deliberate over long-term solutions while also working to bring about change today. As a short-term goal, the District needs to educate Washingtonians and all other Americans about the present injustice while simultaneously building a broad-based, bipartisan coalition of support for the long-term goal of national representation and local self-determination.

### ***End the Ignorance of Injustice in D.C.***

Survey data reveal that the vast majority of Americans are ignorant of District residents' unequal rights.<sup>8</sup> While Washingtonians' understand their colonial status, many city residents know precious little about the city's history and past Washingtonians' victories and defeats in their struggle to gain equal rights. Focus group research reveals that many Americans are willing to join District residents as advocates for democracy in the District once they understand the inequitable situation Washingtonians face. Education is the key to gaining allies, and the city would benefit from a two-pronged educational campaign. In 2006, the District government distributed a million dollars to fund campaigns such as DC Vote's television advertisements that ran in cities around the country. Efforts like this should be continued, refined, and expanded.<sup>9</sup>

A local educational campaign must be comprehensive. No student in D.C. public schools should graduate without an understanding of the District's disenfranchisement, and college students attending the various universities in the city should not leave without having been exposed to the issue. Students in D.C.'s public high schools are required to take a semester of D.C. history, and while this is an obvious place to focus local secondary-school efforts, there are other avenues for educating the city's next generation. This issue can be incorporated into social studies, history, and government lessons beginning in elementary school. Whenever a school holds a mock election, educators and advocates can use that event to teach young Washingtonians about their second-class citizenship and the long-term strategies that offer solutions. Additionally, every school's student government association can be an incubator of ideas and leadership on this issue. Young D.C. residents represent the greatest asset to the movement for democracy in the District and their education should be a top priority.<sup>10</sup>

The District's colleges and universities attract students from across the nation and world. Each of these students could leave the city and return home as an ally of equal rights for District residents. A campaign to engage the faculty at the various institutions of higher education in the city could prove fruitful. If students of political science, history, economics, sociology, and numerous other disciplines were exposed to the issue and encouraged to study the cause and effect of District residents' disenfranchisement, the city could gain not only a wealth of knowledge but also thousands of allies from the fifty states who could begin to dispel the ignorance around the nation. A national education campaign can begin within the District.

### ***Building Coalitions***

Alongside education, advocates for democracy in the District should adopt local coalition-building as a short-term strategy. It was the strong, bipartisan coalition within the District in 1961 that, in large part, led to the successful ratification of the 23<sup>rd</sup> amendment. While coalitions have come and gone since then, none have enjoyed such unity. It is desperately needed today. While residents will always disagree on some aspects of strategy, or even the long-term goal, District residents share more common interests than current coalitions evince. It is especially important to recruit support from local Republicans and the business community, which has a spotty history in regard to

backing local autonomy. But there are encouraging indications that coalitions are possible and, to a limited degree, already exist. For example, the D.C. Chamber of Commerce and Federal City Council recently submitted amici briefs arguing against the commuter tax prohibition, a clear sign of partnership with advocates for District democracy.<sup>11</sup> Those advocates would gain further support and legitimacy by nourishing and growing their base of support among the business community and local Republicans.

While the 1961 amendment campaign proved the value of a strong local coalition, the 1978 campaign to pass the D.C. Voting Rights Amendment through Congress proved the value of a strong national coalition. Rep. Walter Fauntroy would not have been as successful in the fight in Congress were it not for the work of the Coalition for Self-Determination. Tapping into the resources and networks of Common Cause, the DC League of Women Voters, and numerous other organizations, this coalition brought constituent pressure to bear on members of Congress from around the country and translated that pressure into ‘yes’ votes. While many of the national member organizations of the Coalition are still active individually, few have large-scale initiatives for expanding democracy in the District. National allies and their local counterparts have proven themselves integral to any long-term campaign. The District can set a short-term goal of rebuilding those coalitions.

### ***Supporting Incremental Steps without Losing Sight of Long-Term Goals***

In restrictive political contexts, some D.C. leaders and congressional allies will present proposals for limited expansion of democracy in the District. A good example of this type of incremental proposal is the DC Fair and Equal House Voting Rights Act of 2006. Such proposals offer less than full democracy, but they could prove to be stepping stones to reaching full equality. Some advocates in the city argue that supporting incremental steps undercuts the campaign for full democracy by directing momentum away from long-term goals and strategies. The 23<sup>rd</sup> amendment is a good example of how an incremental step can take the wind out of the sails of a more comprehensive campaign. Initially drafted to grant full representation to District residents, the amendment was pared down to only include limited Electoral College representation. Promoters of the 23<sup>rd</sup> amendment were well aware that the amendment shifted the debate in Congress away from the thorny issue of home rule that District residents had made a pressing topic on Capitol Hill for years.<sup>12</sup> The passage of the 23<sup>rd</sup> amendment may have set back the home rule movement for years.

Alternatively, one could also argue that home rule was not going anywhere in 1961 and, therefore, it made sense at the time to support the more viable 23<sup>rd</sup> amendment. The debate over whether to support a half-loaf or demand a full-loaf raged among District democracy advocates then as it does now.<sup>13</sup> There are merits to both sides of the argument. Incremental strategies offer vehicles for building coalitions and educating the public. It would be a missed opportunity not to support small steps. However, incremental steps must always be placed in contrast to long-term solutions. Gaining a vote in the House through simple legislation is valuable. But it is not constitutionally-protected, it is not full national representation, and it does not address the issue of local self-determination. So long as District democracy advocates do not compromise their

long-term goals by backing small steps toward that goal, support for incremental proposals is an investment in the larger campaign.

### ***Conclusion***

For over 200 years, District residents have suffered the consequences of second-class citizenship. Washingtonians have fought many battles and waged innumerable campaigns to regain the rights they lost when the federal government assumed jurisdiction over the District. Some campaigns have succeeded while others have failed. During the past thirty years, despite drives for the DC Voting Rights Amendment and the state of New Columbia, democracy in the District was actually restricted for six years, not expanded. Today, however, District residents are in a stronger position to press their claim for the same rights enjoyed by residents of the states. Full national representation and local self-determination are the cornerstones of American democracy, and without both, District residents will remain second-class citizens living in a colony.

Recognizing this, advocates for democracy in the District must embrace a long-term goal of achieving both full national representation and local self-determination. There are a number of strategies available to reach that goal, but the most viable are retrocession and statehood. Retrocession, stigmatized and understudied, represents the most elegant solution. Statehood, while perhaps less economically beneficial, may be more politically palatable to residents of D.C. and Maryland.

Neither option, however, has a chance of passage in the next few years. Therefore, democracy advocates in the District can best use this time to build a foundation upon which they can take advantage of a better political and economic context when it arrives. Building this foundation involves commissioning in-depth studies of retrocession and statehood, conducting local and national educational campaigns, rebuilding local and national coalitions, and supporting incremental proposals that do not compromise long-term strategies.

A better context for promoting democracy in the District will come, and when it does, advocates for democracy must be prepared. For thirty years, Washingtonians have seen no expansion of their rights. For two hundred years, they have been subject to colonial rule. During those two centuries, they have fought hard to change their status and that history shows that democracy will not be handed to District residents even in the most opportune of circumstances. Instead, Washingtonians must plan the strategy today, so that when the time comes, they can demand full democracy, regain the rights of American citizenship they lost two hundred years ago, and, once and for all, end the injustice under which they suffer.

## Appendices

### Appendix A: Focus Group Screening Guide

Screening Guide for D.C. Focus Groups  
Saturday Oct, 29<sup>th</sup>, 2-4 pm  
Sunday Oct. 30<sup>th</sup>, 2-4 pm  
Drake University, Des Moines, IA

Participant Name: \_\_\_\_\_

Gender:             Male             Female             Can't tell by name or voice

Phone #(s): \_\_\_\_\_

Time to Call: \_\_\_\_\_

Who referred: \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Hello, my name is \_\_\_\_\_, I'm a student at Grinnell College, and [\_\_\_\_referrer\_\_\_\_] suggested I contact you about being part of a research study on peoples' attitudes and opinions concerning Washington, D.C. This study is purely academic, I am not selling anything. [PAUSE]

I'd like to explain the project a little more, but wanted to make sure I didn't catch you at a bad time. [If this is a bad time for them, reschedule a good time to call them. You can also explain that the conversation should take no longer than 10 min.]

Ok, so let me explain this project a little more:

My project supervisor, a Grinnell College student, is conducting a series of focus groups to assess Iowans' opinions about issues related to the District of Columbia. Each focus group will involve 8-12 people talking -- as a group -- about what they know, think, and feel about the nation's capital and the local political situation there. All personal information will be kept confidential. Each focus group session will be conducted in downtown Des Moines and will last no longer than two hours. You do not have to know anything about DC to participate. And, we can compensate each person \$15 dollars for their participation in the focus group. [QUICK PAUSE]

Does this sound like something you'd consider helping with?

Yes	<input type="checkbox"/>	
No	<input type="checkbox"/>	Thank and end phone call

Great. Before I get to some demographic questions, the most important question is whether you'd be available at the times of the focus group.

Will you be available on Sat. Oct. 29<sup>th</sup> from 2 to 4 p.m.? Yes  No  Maybe

Will you be available on Sun. Oct. 30<sup>th</sup> from 2 to 4 p.m.? Yes  No  Maybe

If not available either date, thank and end phone call
--

Excellent. The next few questions I'm going to ask you will help us design a focus group with a mix of people. There are no right or wrong answers. And, again, all your answers will be kept confidential.

1. Please tell me which of the following best matches how you would describe your interest in politics

Not interested	<input type="checkbox"/>	
A little interested	<input type="checkbox"/>	
Usually interested	<input type="checkbox"/>	
Very Interested	<input type="checkbox"/>	

2. Please tell me which of the following best matches how you would identify politically

Very Liberal	<input type="checkbox"/>	
Liberal	<input type="checkbox"/>	
Moderate	<input type="checkbox"/>	
Conservative	<input type="checkbox"/>	
Very Conservative	<input type="checkbox"/>	
None of the Above	<input type="checkbox"/>	

3. Now, please stop me when I reach the category that includes your age. [READ LIST.]

Under 18	<input type="checkbox"/>	Thank and end phone call
18-25	<input type="checkbox"/>	

26-35	<input type="checkbox"/>	
36-49	<input type="checkbox"/>	
50-65	<input type="checkbox"/>	
Over 65	<input type="checkbox"/>	

4. Please tell me, what was the last grade of school you completed?

Grade 1-12 (did not graduate H.S.)	<input type="checkbox"/>	
High school graduate	<input type="checkbox"/>	
Some college	<input type="checkbox"/>	
College graduate (4-year degree)	<input type="checkbox"/>	
Graduate school or later	<input type="checkbox"/>	

5. Could you please tell me your occupation?

---

6. Because these focus groups are related to Washington, D.C. I'm going to ask you some questions about your familiarity with the city.

Have you ever lived in or near Washington, D.C. ?                      Yes  No

If YES: How long did you live there? \_\_\_\_\_

If NO: Have you ever visited D.C.?                                      Yes  No

If YES: When did you visit and how long was your visit?

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8. Finally, my last question is: Do you have any family or close friends who live in D.C.?  
Yes  No

***Conclusion of Phone Call***

Thank you for taking the time to answer these questions. Our next step is for us to select participants. You may get a phone call in the next week or so inviting you to participate in the session and explaining more details. However, if your name doesn't come up, let me say now, since I may not be in touch with you again, thank you very much for taking the time to help us with this project.

Do you have any questions I can answer before we hang up?

[Answer questions and then end conversation]

## Appendix B : Focus Group Demographics

First Name	Gender	Political Interest	Political Identity	Age Range	Education	Occupation	Lived in or near DC	Visited DC	Family in or near DC
<b>Session 2, Des Moines, October 29, 2005</b>									
Roger	M	Very	Moderate	Over 65	Grad School	Higher Ed Consultant	N	Y	Y
Marsha	F	Very	Moderate	50-65	Grad School	Retired	N	Y	Y
Joan	F	Very	Liberal	50-65	College	Government Relations	N	Y	Y
Carolyn	F	Very	Moderate	Over 65	College	Retired	N	N	N
Dave	M	Very	Liberal	50-65	Grad School	Non-Profit Manager	N	Y	Y
Susan	F	Very	Liberal	Over 65	Grad School	Attorney & Teacher	Y	Y	Y
<b>Session 3, Des Moines, October 30, 2005</b>									
Tyler	M	Usually	Liberal	50-65	Grad School	School Teacher	N	Y	N
Nora	F	Very	Very Conservative	18-25	Some College	Student	N	Y	Y
Maurice	M	Usually	Liberal	26-35	College	Consultant	N	Y	Y
Pam	F	Usually	Liberal	50-65	Grad School	Teacher	N	Y	Y
Lauren	F	Very	Liberal	50-65	Some College	Voter Registration	N	Y	Y
Austin	M	Usually	Liberal	36-49	Grad School	Language Specialist	N	N	N
Irma	F	Very	Liberal	Over 65	No response	Retired	N	Y	N
Trisha	F	Usually	Conservative	50-65	Some College	Business Dev.	N	Y	N

Note:

- Because participants in the Grinnell focus group (Session 1, October 27, 2005) were not pre-screened, the demographic data of those 10 people was not collected.
- Dave, a participant in the Saturday session, had never lived in or near D.C., but was moving to the city shortly after the focus group session.

## Appendix C: Focus Group Discussion Guide

### **DISCUSSION GUIDE** **DEMOCRACY IN DC FOCUS GROUPS** **Conducted by Eli Zigas, Student Researcher, Grinnell College**

October 29 & 30, 2005 – Des Moines, IA<sup>1</sup>

#### **I. INTRODUCTIONS** **0:00**

- Moderator and Assistant Introduction
  - Who I am, what the project is, thank you for participating
  - Introduce [assistant] and explain their role
    - Video and Audio tapes will not be shown to anyone outside of the project. Anytime I quote someone in my paper, it will be with a made-up name.
  - Ground rules
    - Confidentiality, Respect of opinions
    - Open expression of views -- There may be more than one way of viewing a problem or issue.
    - Want this to be a discussion, NOT a group interview
    - Please feel free to use the pen and paper provided
  - A bit about my role
    - I'm from DC but won't be offended by anything you say. I'm sure I've heard worse when I've discussed this issue with New Yorkers :)
    - How the discussion will go... (preview everything we'll discuss)
  - Any questions?
- Participant introductions
  - Name and tell us your favorite spot in your home and why it's your favorite. I'll start.

#### **II. CURRENT PERCEPTIONS OF DC** **0:15**

Some people in this room have been to DC, others have not. Some have family and friends there, others do not. No matter what connection you have with the city, I'd like you all to discuss what first comes to mind when you think of Washington, D.C.

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<sup>1</sup> An older version of this discussion guide was used in the "mock session" at Grinnell College on October 27, 2005. Substantively, there were very few changes between that discussion guide and this one.

- Popcorn Style” – Put all ideas out on the table. When you think of something, say it. You don’t need to wait for me to call on you and I don’t want to go around in a circle for responses
- What comes to mind when you think of the people and residents of DC? Who do you picture?
- What comes to mind when you think of the physical appearance of the city? What do you picture?
- In your mind, how does DC compare to other cities?
- Could you describe what sort of connection you feel, if any, to Washington?

*THROUGHOUT THIS SECTION, ASK FOR OTHER OPINIONS, TRY TO GET MOST PEOPLE TO TALK, ASK FOR ELABORATION IF NECESSARY.*

### **III. REACTIONS TO DC’S POLITICAL SITUATION**

**0:25**

- I’m going to give you a page with a brief explanation of DC’s current political situation so you have it for reference and then we’ll discuss it.

#### **Key Elements of DC’s Political Situation**

- The Constitution created a national capital that was not part of a state
- The Constitution gave Congress complete control of the national capital
- In 1973, Congress created a City Council and Mayor system of governance for the city. Members of the City Council and the Mayor are elected by DC residents. Any budget passed by the City Council and Mayor has to be approved by Congress. Congress also has the power to veto any law passed by the City Council and Mayor.
- DC residents, following an amendment to the Constitution passed in 1961, can vote for President and Vice President.
- DC residents cannot vote for a Senator
- DC residents can vote for a delegate in the House of Representatives, but this delegate cannot vote like representatives from IA
- DC residents pay both local and federal taxes
- The population of DC, according to the 2000 Census is 570,000 people. For reference, this is more people than live in the state of Wyoming.

- What do you think about that?
  - What are the first things that popped into your head after reading/hearing that information? Put all ideas out on the table first.
  - What parts are you comfortable with?
  - What part are you uncomfortable with?
  - Why? Who has a different opinion? Agree/Disagree?

#### **IV. DISCUSS ALTERNATIVES**

**0:45**

- I'm putting up a sheet that lists a number of potential alternatives for DC's political situation.
  - Some Voting Representation in Congress
  - Full Voting Representation in Congress  
(both of the above would be through bill or Const. amend)
  - Statehood (explain that federal capital area would remain)
  - Retrocession (explain what this means and that federal capital area would remain)
  - Make DC Like a Territory – No Federal Taxes
- Just for purposes of our discussion, I'd like to start out by talking about one specific proposal. Please feel free to talk about any of the other alternatives, either the ones I've put up or any that I haven't listed, when answering this question. What do you think about D.C. becoming a state?
  - Pros and Cons
  - Why do you support X and not Y ?
  - What do others think about that ?
  - Does anyone have strong opinions about other alternatives?
  - Encourage participants to dialogue.

#### **V. RESPONSES TO MESSAGES**

**1:15**

- I'm going to play about 10 minutes of video from two separate productions. Both of these videos were created to persuade people to support one of the alternatives. These are not documentaries. They are meant to persuade and because of that they are not trying to be balanced and objective. However, to my knowledge there is nothing in either video that that is factually inaccurate. One of the videos is over ten years old, so some of its facts are outdated, but were correct at the time.
- While you're watching these videos, I'd like you to think about what images or words "hit home". Keep track of what sticks out to you from the video. Please use the pads of paper if you think it will help you remember things for the discussion we will have after watching the clips.

*SHOWS THE CLIPS, DC VOTE first and then DC STATEHOOD*

- So, what sticks out in your mind?
- Was there anything in either video that was new to you? Anything surprising?
- Was there anything that made you think differently about the whole situation or give you a new perspective?
- What parts of the videos did you find persuasive?
- What parts of the videos did you find unpersuasive?

## **VI. CONCLUSION**

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**1:45**

- After all this discussion, I'd like to know: What are you all thinking about DC's political situation? What are some key things that you have learned from this discussion?
- In this discussion, do you think we've missed anything important?

## **VII. CONCLUSION**

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**1:55**

- Thank them all for participation.
- Two things left to do
  - Please fill out post-session questionnaire
  - After that, please see [assistant] who has a quick form to sign and a check for you.
  - Finally, if anyone is interested in seeing the paper when it's done, please let me know and I'd be happy to send you a copy.

**Appendix D: Focus Group Post Survey Questionnaire**

**Post-Session Questionnaire**

**Before this focus group, what political status did you want for the District of Columbia?**

The current status to continue	<input type="checkbox"/>
Some voting representation in Congress	<input type="checkbox"/>
Full voting representation in Congress	<input type="checkbox"/>
Statehood	<input type="checkbox"/>
Retrocession	<input type="checkbox"/>
No Taxation	<input type="checkbox"/>
Other (Please explain)	<input type="checkbox"/>
Did not have an opinion on the subject	<input type="checkbox"/>

**After this focus group, what political status do you want for the District of Columbia?**

The current status to continue	<input type="checkbox"/>
Some voting representation in Congress	<input type="checkbox"/>
Full voting representation in Congress	<input type="checkbox"/>
Statehood	<input type="checkbox"/>
Retrocession	<input type="checkbox"/>
No Taxation	<input type="checkbox"/>
Other (Please explain)	<input type="checkbox"/>
Still do not have an opinion on the subject	<input type="checkbox"/>

**If you changed your opinion about what D.C.’s status should be, what led you to change your opinion?**

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**So that we might better understand the demographics of this study group, please check the box next to the range that matches your annual household income.**

Less than \$25,000	<input type="checkbox"/>
\$25,000 to \$50,000	<input type="checkbox"/>
\$50,000 to \$75,000	<input type="checkbox"/>

Left with Few Rights: Unequal Democracy and the District of Columbia

\$75,000 to \$100,000	<input type="checkbox"/>
Over \$100,000	<input type="checkbox"/>

## Appendix E: Focus Group Post Survey Questionnaire Results

### Before this focus group, what political status did you want for the District of Columbia?

Political Status	Session 1 (Mock) 27 Oct. 2005 Grinnell	Session 2 29 Oct. 2005 Des Moines	Session 3 30 Oct. 2005 Des Moines	Session 2 & 3 Des Moines Groups Combined Totals	Sessions 1, 2, & 3 All Groups Combined Totals
Status Quo				0	0
Some Voting Representation			1	1	1
Full Voting Representation		1		1	1
Statehood	1	4	5	9	10
Retrocession			1	1	1
No Taxation				0	0
Other				0	0
No Opinion	6	1	2	3	9

Notes:

- After collecting this information from participants after the session, I decided not to use it in my analysis because I did not feel confident that participants accurately remembered, after two hours of discussion, what opinion they had prior to the discussion. I believe there is a high likelihood that their post-session opinion biased how they responded to the question about their pre-session opinion.
- Although Session 1 in Grinnell had ten participants, only 7 filled out the post-session questionnaire.
- One participant in Session 3 said he/she supported both statehood and retrocession. This preference has been recorded as a vote for both options. Thus, the total shows 22 responses even though only 21 participants filled out the post-session questionnaire.

### After this focus group, what political status do you want for the District of Columbia?

Political Status	Session 1 (Mock) 27 Oct. 2005 Grinnell	Session 2 29 Oct. 2005 Des Moines	Session 3 30 Oct. 2005 Des Moines	Session 2 & 3 Des Moines Groups Combined Totals	Sessions 1, 2, & 3 All Groups Combined Totals
Status Quo				0	0
Some Voting Representation			1	1	1
Full Voting Representation			1	1	1
Statehood	4	5	5	10	14
Retrocession			1	0	1
No Taxation				0	0
Other	3	1		1	4
No Opinion			1	1	1

Notes:

- Although Session 1 in Grinnell had ten participants, only 7 filled out the post-session questionnaire.
- One participant in Session 3 said he/she supported both statehood and retrocession. This preference has been recorded as a vote for both options. Thus, the total shows 22 responses even though only 21 participants filled out the post-session questionnaire.

**Income Range (asked only of Des Moines Participants)**

<b>Income Range</b>	<b>Participants in range</b>	<b>Percentage (13 = 100%)</b>	<b>Des Moines Area Percentages (Census Data)</b>
Less than \$25,000	3	21%	22.9%
25-50,000	1	7	30.6
50-75,000	4	29	23.0
75-100,000	5	36	11.8
Over 100,000	1	7	11.7

Notes:

- Des Moines Area percentages are provided for comparison. Those statistics were taken from State income data: U.S. Census Bureau, "Table DP-1. Profile of the General Demographic Characteristics: 2000. Geographic Area: Des Moines, IA MSA," *Census 2000*. Pg 3. Accessed online through the State Library of Iowa's State Data Center: <http://www.silo.lib.ia.us/specialized-services/datacenter/DemographicProfiles/MetroArea/metroalldp2000.pdf> .

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Available online from the Library of Congress :  
<http://memory.loc.gov/ammem/amlaw/lwsl.html>
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### ***Newspapers***

Washington, D.C. and Virginia

*Alexandria Times and District of Columbia Daily Advertiser (Alexandria, VA)*  
*National Intelligencer (D.C.)*  
*Roll Call (D.C.)*  
*Washington Federalist*  
*Washington Afro-American*  
*Washington Herald*  
*Washington Post*  
*Washington Star* (also known as the *Washington Evening Star*).  
*Washington Times*

New York

*Daily Advertiser*  
*Independent Journal*

### ***Interviews***

*(all interviews conducted in person in Washington, D.C.)*

Kevin Kiger, Communications Director of DC Vote, June 22, 2005.

Joy Simonson, former President of the D.C. League of Women Voters, July 29, 2005.

Daniel Solomon, Founding Member and former Board Chair of DC Vote, July 12, 2005.

Iilir Zherka, Executive Director of DC Vote, July 21, 2005

### ***Archival Collections***

DC Vote Archives  
1500 U St. NW, Washington, D.C. 20009.  
[www.dcvote.org](http://www.dcvote.org).

Historical Society of Washington, D.C.  
801 K Street, NW at Mount Vernon Square, Washington, DC 20001.  
[www.citymuseumdc.org](http://www.citymuseumdc.org)

Library of Congress – Manuscript Reading Room  
101 Independence Ave. SE, Room LM 101  
James Madison Memorial Bldg.  
Washington, D.C. 20540  
<http://www.loc.gov/rr/mss/>

Washingtoniana Division, Martin Luther King, Jr. Public Library  
901 G Street NW, Washington, D.C. 20001  
[www.dclibrary.org/mlk](http://www.dclibrary.org/mlk)

## Footnotes

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### Notes for the Introduction

*Most sources referenced in the footnotes are given full citations in the bibliography*

<sup>1</sup> Curtis Dubay, “Federal Tax Burdens and Expenditures by State,” *Tax Foundation Special Report*, March 2006 (No. 139), 6. The 5.5 billion figure was given by: Curtis Dubay, email correspondence with author, May 12, 2006.

As of April 29, 2006, four District residents had died serving in Iraq and Afghanistan and 16 had been wounded. Defense Manpower Data Center, Statistical Information Analysis Division, Department of Defense, “Operations Enduring Freedom & Iraqi Freedom Casualty Summary by State – As of April 29, 2006.” Accessed online at: <http://siadapp.dior.whs.mil/personnel/CASUALTY/castop.htm>.

<sup>2</sup> Although Congress prohibits the use of federal tax dollars for needle exchange programs across the country, because it has authority over the District it can also prohibit the expenditure of locally-raised tax dollars on such programs. It has done so year after year by attaching a ‘rider’ on the District’s appropriations bill which states:

(a) None of the funds contained in this Act [collected either from federal or local taxes] may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

*District of Columbia Appropriations Act, 2006*, Public Law 109-115, 109<sup>th</sup> Congress, General Provisions, Sec. 116.

A detailed analysis of the public health effects D.C.’s lack of voting representation in Congress was conducted by Kevin Kiger on behalf the non-profit DC Vote in 2005 but remains unpublished: Kevin Kiger, “DC at Risk from Congress: How the Denial of Congressional Voting Rights Impacts Public Health in the District of Columbia,” unpublished draft report, December 2005.

The General Accounting Office conducted a study of the economic structural imbalance in the District and found that because of its inability to raise enough revenue, in part because of its inability to tax nonresident income, the city had “deferred infrastructure maintenance and new capital projects” including “the replacement of electrical systems and heating and cooling plants and the upgrade of fire alarms, intercoms, and master clocks” in school buildings: U.S. General Accounting Office (GAO), *District of Columbia: Structural Imbalance and Management Issues*, Report Number GAO-03-666 (Washington, D.C.: May 2003), 71-72.

The House of Representatives has twice voted to overturn the District’s gun laws since 2004. The Senate has not agreed in either instance.

See: *District of Columbia Personal Protection Act*, H.R. 3193, 108th Congress. Roll call vote 477 on Sept. 29, 2004. And, in 2005, H. Amdt. 425, amendment onto H.R. 3058, 109th Congress. Roll Call Vote 349 on June 30, 2005.

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The District's structural imbalance and the challenge to its gun laws is discussed in this study in more detail in the chapter "D.C.'s Current Economic and Political Context."

### **Notes for The Birth of the District of Columbia and the Loss of District Residents' Rights**

<sup>1</sup> Orrin Hatch, "Should The Capital Vote in Congress? A Critical Analysis of the Proposed D.C. Representation Amendment." *Fordham Urban Law Journal*, Vol. 7 (1978): 490.

<sup>2</sup> Hatch, 489.

<sup>3</sup> Hatch, 488.

<sup>4</sup> Kenneth Bowling, *The Creation of Washington, D.C.: The Idea and Location of the American Capital* (Fairfax, VA: George Mason University Press, 1991), 30. The number of soldiers eventually grew to more than 250 (Bowling, 30). Today the building the soldiers surrounded is known as Independence Hall.

<sup>5</sup> Bowling, 30.

<sup>6</sup> Constance McLaughlin Green, *Washington: Village and Capital, 1800-1878* (Princeton, NJ: Princeton University Press, 1962), 10.

<sup>7</sup> Hatch, 485, footnote 20. The history of the "Philadelphia mutiny" and its connection to the District clause is not clear. The commonly told version of the incident is explained well in: Hatch, 485, footnote 20; Jules Gerard, *The Proposed Washington, D.C. Amendment* (Missouri Council for Economic Development, 1979), 7-8; and Frank Sprigg Perry, "The District of Columbia in the Constitutional Convention of 1787." *Georgetown Law Journal* (1922): 4. However, both Constance McLaughlin Green and Kenneth Bowling present histories that call into question the sequence of events and the insecurity of Congress as well as raise the possibility that the mutiny itself and Congress' reaction was partly designed by Alexander Hamilton and other congressman to gain support for a strong federal government. See: Green, *Village and Capital*, 10; Bowling, *Creation of Washington, D.C.*, 30-32; and generally, Kenneth Bowling, "New Light on the Philadelphia Mutiny of 1783: Federal-State Confrontation at the Close of the War for Independence" *The Pennsylvania Magazine of History and Biography*, Vol. 101 (1977): 419-450.

<sup>8</sup> Peter Raven-Hansen, "Congressional Representation for the District of Columbia: A Constitutional Analysis." *Harvard Journal on Legislation*, Vol. 12 (1975): 170-171.

<sup>9</sup> U.S. Constitution, article 1, section 8, clause 17.

<sup>10</sup> Raven-Hansen, "Congressional Representation," 170-171; Judith Best, *National Representation for the District of Columbia* (Frederick, MD: University Publishers of America, 1984): 17.

<sup>11</sup> Raven-Hansen, "Congressional Representation," 170-171.

<sup>12</sup> Green, *Village and Capital*, 11-12; Raven-Hansen, "Congressional Representation," 172.

<sup>13</sup> Harold C. Syrett, ed., *The Papers of Alexander Hamilton: Volume 5. June 1788-November 1789* (New York: Columbia University Press, 1962): 189.

<sup>14</sup> Syrett, *Papers of Alexander Hamilton*, 190.

<sup>15</sup> The history behind Hamilton's amendment and its subsequent rejection by the New York ratifying convention is a topic that deserves more in-depth scholarship. Neither Raven-Hansen, Hatch, nor Green mentions Hamilton's amendment in their histories. The first reference to the amendment that I found was in: U.S. District Court for the District of Columbia, Majority Opinion, *Adams v. Clinton*, 90 F. Supp. 2d 35. (D.D.C. 2000), 29.

<sup>16</sup> Publius. "The Federalist, No. XLII" [Commonly known today as Federalist 43], *Independent Journal* (NY), January 23, 1788. Also published as: Publius, "The Federalist, No. XLII," *Daily Advertiser* (NY), January 25, 1788.

Part of the reason this line is so hotly contested is because twentieth century advocates for District representation misquoted the document by saying that Madison wrote that District resident “will have their voice” heard in Congress as opposed to the original which states “will have had their voice” heard. See: Hatch 492, footnote 47; Raven-Hansen, “Congressional Representation,” 172-173, footnote 24; Best, *National Representation*, 19.

For an early example of this misquote see: Perry, 1922, 13.

Other examples of the misquote: “Washington Gets Nonvoting Delegate in the House,” *Congressional Quarterly Weekly Reports*, October 2, 1970: 2424; Stuart Auerbach, “D.C.: Chasing Full Voting Rights Since 1801,” *Washington Post*, August 23, 1978, A4.

<sup>17</sup> Other scholars of the issue have been divided on the meaning of Federalist 43. Professor Judith Best contends that “no statement in *Federalist* 43 can be construed to indicate that the Founders intended to provide national representation for the District” (Best, *National Representation*, 20). Professor Jamin Raskin has argued the opposite. Calling Madison’s language “studiously ambiguous,” he claims that “it is hard to read Madison’s language as manifesting anything like an intention to permanently disenfranchise the capital population”: Jamin Raskin, “Is This America? The District of Columbia and the Right to Vote,” *Harvard Civil Rights–Civil Liberties Law Review*. Vol. 34, No. 1 (Winter 1999): 79.

<sup>18</sup> Green, *Village and Capital*, 9. See also: U.S. Congress, “An Act for Establishing the Temporary and Permanent Seat of the Government of the United States,” July 16, 1790. For more on the acceptance of the land see: Raven-Hansen, “Congressional Representation,” 173.

<sup>19</sup> Raven-Hansen, “Congressional Representation,” 174; See also: Green, *Village and Capital*, 12. Not only did District residents continue to be represented by Maryland and Virginia congressmen, but two Congressmen came from the District. “Daniel Carroll [who] served in both the Continental Congress and the first United States Congress from March 4, 1789, to March 3, 1791, as a representative from Maryland . . . lived in Rock Creek Park” inside the District: Raskin, “Is This America,” 81.

“Uriah Forrest of Georgetown was elected to the U.S. House of Representatives as a congressman from Maryland, even though Georgetown had been ceded to the federal government four years earlier”: Op-ed., Lawrence Mirel, “Restoration Project,” *Washington Post*, March 21, 1999, B1. Forrest served in the House from 1793-1794: *Biographical Directory of the United States Congress*. Accessed online at: <http://bioguide.congress.gov>.

<sup>20</sup> Population figure from Green, *Village and Capital*, 21. Citing the U.S. Census, Green notes that the breakdown of the total population was as follows: “Total 14,093. White: 10,266. Free Negro: 783. Slave: 3,244.”

<sup>21</sup> U.S. Congress, *Annals of Congress*, Vol. 10 (December 1800): 869.

<sup>22</sup> The bills that eventually passed were: *An Act Concerning the District of Columbia*, 6<sup>th</sup> Congress, 2<sup>nd</sup> Session, *Statutes at Large of the United States*, Vol. 2 (February 27, 1801): 103-108; *An Act Supplementary to the Act Entitled “An Act Concerning the District of Columbia,”* 6<sup>th</sup> Congress, 2<sup>nd</sup> Session, *Statutes at Large of the United States*, Vol. 2 (March 3, 1801): 115.

<sup>23</sup> See footnote 1.

<sup>24</sup> *Annals of Congress*, Vol. 10 (February 1801), 996.

<sup>25</sup> *Annals of Congress*, Vol. 10 (January – February 1801); For the few comments in support of the political rights of District residents see comments of Rep. John Nicholas on page 869; Rep. John Randolph, 871; Rep. John Smilie 991, 992, 997.

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For another record of the debates about the Organic Act during February 1801 see: *Alexandria Times and District of Columbia Daily Advertiser* (VA), February 23, 1801, 2 (reprinted in *Washington Federalist*, February 24, 1801, 2); *Alexandria Times*, March 3, 1801, 1; *Alexandria Times*, March 12, 1801, 1.

<sup>26</sup> Green, *Village and Capital*, 26. Green notes that the small amount of consideration given to the District by Congress at this time was telling. “Residents had had dramatic proof that the mingling of ‘great and small concerns’ would always mean neglect of local interest.”

<sup>27</sup> Text of the Organic Act of 1801: *An Act Concerning the District of Columbia*, 6<sup>th</sup> Congress, 2<sup>nd</sup> Session, *Statutes at Large of the United States*, Vol. 2 (February 27, 1801): 103-108; *An Act Supplementary to the Act Entitled “An Act Concerning the District of Columbia,”* 6<sup>th</sup> Congress, 2<sup>nd</sup> Session, *Statutes at Large of the United States*, Vol. 2 (March 3, 1801): 115.

The jurisdictions of Georgetown and City of Alexandria generally correspond to the present day locations of those two places. The boundaries of Washington City roughly corresponds to what is now known as “downtown” D.C. Washington County included everything east of the Potomac, except Georgetown and Washington City. Alexandria County included everything west of the Potomac, except the City of Alexandria: Steven J. Diner, *Democracy, Federalism and the Governance of the Nation’s Capital: 1790-1974* (Washington, DC: Center for Applied Research and Urban Policy, 1987): 5.

<sup>28</sup> Diner, *Democracy*, 70. See also: Hatch, 492.

<sup>29</sup> *Annals of Congress*, Vol. 12 (February 1803), 426.

<sup>30</sup> *Ibid.* 486-488.

<sup>31</sup> *Ibid.* 506-507. For another summary of the debate over the retrocession bill see: Mark David Richards, “The Debates over the Retrocession of the District of Columbia, 1801-2004.” *Washington History*, Vol. 16, No. 1 (Spring/Summer 2004): 57-58.

<sup>32</sup> *Annals of Congress*, Vol. 12 (February 1803): Rep. Huger (488); Rep. Bayard (493); and Rep. S. Smith (506).

<sup>33</sup> *Annals of Congress*, Vol. 12 (February 1803): 494; Rep. Smilie’s repeated explanation that he was not trying to remove the District back to Philadelphia provides further evidence that the impermanence of the federal district’s location was intimately tied to the debate over retrocession: *ibid.* 487, 496.

<sup>34</sup> *Annals of Congress*, Vol. 10 (February 1801): 1002.

<sup>35</sup> Augustus Woodward’s three columns, written under the pen-name “Epaminondas,” discussed the political future of the District of Columbia at the end of 1800. Each column appeared under a header title “Considerations on the Government of the Territory of Columbia.”

No. 1: *National Intelligencer* (DC), December 24, 1800, 1. Also reprinted in *Alexandria Times and District of Columbia Daily Advertiser* (VA), December 27, 1800, 2-3; No. 2: *National Intelligencer*, December 26, 1800, 3; No. 3: *National Intelligencer*, December 29, 1800, 4.

See also: Green, *Village and Capital*, 24-25.

<sup>36</sup> *National Intelligencer*, December 26, 1800, 3.

<sup>37</sup> Italics in original. *National Intelligencer*, December 29, 1800, 4.

<sup>38</sup> *Alexandria Times and District of Columbia Daily Advertiser*, February 5, 1801, 1. See also the announcement about a previous meeting in which residents of Alexandria noted that with the impending transfer of jurisdiction, “we shall be reduced to that deprecated condition of which we pathetically complained in our charges against Great Britain, of being taxed without a [sic] representation.”: *National Intelligencer*, January 16, 1801, 4.

## Notes for A Century of Conflict Economics, Race, and Local Governance: 1801-1900

<sup>1</sup> “Message from the President of the United States to the Senate of the United States, January 5, 1867,” *Congressional Globe*, 39th Congress, 2nd Session (January 7, 1867), 304.

<sup>2</sup> Richards, “Debates over the Retrocession,” 60. Richards provides a consolidated history of the various political movements for retrocession in this article.

<sup>3</sup> John Hammond Moore, “The Retrocession Act of 1846: Alexandria and Arlington Return to the Fold.” *Virginia Cavalcade*, Vol. 25, No.3 (Winter 1976):134. As quoted in: Richards, “Debates over the Retrocession,” 12.

<sup>4</sup> Richards, “Debates over the Retrocession,” 13. Emphasis in original. While the main driver for retrocession was economic, residents were also keenly aware that returning to a state would mean the return of their political rights. Stephen Diner includes a quote from retrocession advocates that made its way into a House report, “When we remind the committee that we are a disenfranchised people, deprived of all those political rights and privileges so dear to an American citizen . . . we are almost inclined to say nothing more, as we cannot doubt but that our feelings, under such circumstances, will meet with the ready sympathy of every member of Congress.” Diner, *Democracy*, 8.

<sup>5</sup> Richards, “Debates over the Retrocession,” 62 and 66.

<sup>6</sup> Virginia Assembly agrees to take Alexandria back: Richards, “Debates over the Retrocession,” 67; “astonishingly little discussion”: Green, *Village and Capital*, 173; Congress passes retrocession bill: Richard, “Debates over the Retrocession,” 71-72; Alexandria referendum: Richards, “Debates over the Retrocession,” 71. Green notes that there was little opposition to Alexandria’s retrocession from residents in Washington or Georgetown: Green, *Village and Capital*, 174. However, not all Alexandrians felt that the referendum adequately represented the area’s residents: Richards, “Debates over the Retrocession,” 67.

<sup>7</sup> Richards, “Debates over the Retrocession,” 70. Constance McLaughlin Green does argue that the economic and political role of Alexandria in the slave trade did play a role in why the Virginia Assembly agreed to retrocession: Green, *Village and Capital*, 173-174.

<sup>8</sup> Green, *Village and Capital*, 175.

<sup>9</sup> *Ibid.*, 175.

<sup>10</sup> *Ibid.*, 143.

<sup>11</sup> *Ibid.*, 178.

<sup>12</sup> “By 1865 some estimates put the four-year total of black newcomers [during the Civil War] at 40,000”: Green, *Village and Capital*, 276. Also, census data shows that between 1860 and 1870, the number of free blacks in the District nearly quadrupled: *Ibid.*, 21.

<sup>13</sup> Green, *Village and Capital*, 274. A digital copy of the District of Columbia Emancipation Act is available from the National Archives online at: [http://www.archives.gov/exhibits/featured\\_documents/dc\\_emancipation\\_act](http://www.archives.gov/exhibits/featured_documents/dc_emancipation_act).

<sup>14</sup> Green, *Village and Capital*, 280.

<sup>15</sup> *Ibid.*, 282.

<sup>16</sup> *Ibid.*, 300; see also Diner, *Democracy*, 15.

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- <sup>17</sup> Green, *Village and Capital*, 297.  
<sup>18</sup> Green, *Village and Capital*, 298-299.  
<sup>19</sup> See footnote 1 above, pg. 303.  
<sup>20</sup> Green, *Village and Capital*, 300. See also: *U.S. Constitution*, 14<sup>th</sup> Amendment, section 2.  
<sup>21</sup> Population statistics based off of tables in: Green, *Village and Capital*, 21 and 306.  
<sup>22</sup> Green, *Village and Capital*, 326.  
<sup>23</sup> *Ibid.*, 327-328.  
<sup>24</sup> Robert Harrison, "From Biracial Democracy to Direct Rule: The End of Self-Government in the Nation's Capital, 1865-1878," *The Journal of Policy History* Vol. 18, No. 2 (2006): 245-246; See also: Green, *Village and Capital*, 333.

Proposal and Senate passage of the territorial government for the District: Green, *Village and Capital*, 335.

- <sup>25</sup> Green, *Village and Capital*, 336. Diner, *Democracy*, 17-18. Text of the territorial legislation: *An Act to Provide a Government for the District of Columbia*, 41<sup>st</sup> Congress, 3<sup>rd</sup> Session, *Statutes at Large of the Untied States of America*, Vol. 16 (February 21, 1871): 419-429.
- <sup>26</sup> Green, *Village and Capital*, 335-336.  
<sup>27</sup> Harrison, 246; and Green, *Village and Capital*, 337. The lack of a well defined cost-sharing arrangement between the federal and local government had a long history. See also Green's discussion of the Southard Report: Green, *Village and Capital*, 130.
- <sup>28</sup> Green, *Village and Capital*, 337.  
<sup>29</sup> *Ibid.*, 339.  
<sup>30</sup> *Ibid.*, 344-345. For a description of Shepherd's tenure see: Harrison, 249-251. For a detailed look at congressional debate over abolishing the Territory of the District of Columbia see: Harrison 251-254.  
<sup>31</sup> *Ibid.*, 358-359.  
<sup>32</sup> The abolition of the territorial government in 1874 is discussed in: Green, *Village and Capital*, 360 and Diner, *Democracy*, 20.  
<sup>33</sup> Green, *Village and Capital*, 361. See also: Harrison, 256-257.  
<sup>34</sup> Harrison, 252, quoting Bayard in the *Congressional Record*, 43<sup>rd</sup> Congress, 2<sup>nd</sup> Session (December 17, 1874): 122.  
<sup>35</sup> *Ibid.*, 390  
<sup>36</sup> *Ibid.*, 391-392.  
<sup>37</sup> *Ibid.*, 393. See also: Harrison, 256-259.  
<sup>38</sup> *Ibid.*, 394.; Diner, *Democracy*, 22. For the text of the Organic Act see: *Organic Act of 1878, United States Statutes at Large*, Vol. 20: 102.

<sup>39</sup> Constance McLaughlin Green, *Washington: Capital City, 1879-1950* (Princeton, NJ: Princeton University Press, 1963,) 22. The half-and-half arrangement, while generally stable, wasn't perfect. District residents still had to pay for congressional projects they felt should be federally funded such as the National Zoo and portions of street paving: Green, *Capital City*, 20 and 23.

- <sup>40</sup> Green, *Capital City*, 25.  
<sup>41</sup> Green, *Capital City*, 25; Diner, *Democracy*, 31. Blair's first bill was: Unites States Senate, S.J. Res 82, 50<sup>th</sup> Congress (May 15, 1888). He followed this bill with a modified version in the next Congress: S.J. Res. 11, 51<sup>st</sup> Congress (December 5, 1889). For a detailed history of Sen. Blair's efforts see: Theodore E. Noyes, *Our Nation's Capital and Its Un-Americanized Americans* (Washington, D.C.: 1951), 204-205.

## Notes for The Movements for National Representation and Home Rule Begin: 1900-1959

<sup>1</sup> Frederick J. Essary, “An Adventure in Autocracy,” *The American Mercury*, Vol. 20, No. 79 (July 1930), 285.

<sup>2</sup> “Special Capital Number [Various Articles],” *Congressional Digest*, Vol. 6, No. 12 (December 1927), 339; Daniel E. Garges, “The Government of the District of Columbia,” *The American City*, March 1929, 107.

<sup>3</sup> Five million dollars in 1934: Green, *Capital City*, 430; Revenue figures 1957-1961: Martha Derthick, *City Politics in Washington, D.C.* (Cambridge. Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University and by the Washington Center for Metropolitan Studies, 1962): 153.

<sup>4</sup> Derthick, *City Politics*, 150.

<sup>5</sup> Segregation at the turn of the century: Green, *Capital City*, 214-218; Segregation in the 1910’s: Green, *Capital City*, 222-226.

<sup>6</sup> Green, *Capital City*, 186; For background on the powerful Board of Trade see: Green, *Capital City*, 30-34.

<sup>7</sup> Founding of Joint Committee: Noyes, *Our Nation’s Capital*, 21. Racial dynamic of the Joint Committee: Green, *Capital City*, 235, 254.

<sup>8</sup> U.S. Senate, “Granting Suffrage to Residents of the District of Columbia,” *Senate Report No. 507*, 67<sup>th</sup> Congress, 2<sup>nd</sup> Session (February 20-21, 1922):1. Prior to the adoption of this “enabling”-style wording in 1917 there were various other versions of national representation bills. For a listing of some see Noyes, *Our Nation’s Capital*, 202-207.

<sup>9</sup> The first hearings were in the House Judiciary Committee in January 1921 during the 66<sup>th</sup> Congress. The Senate followed shortly after with hearings in the Senate District Committee in November 1921 during the 67<sup>th</sup> Congress. For a listing of all the hearings associated with this bill see: Noyes, *Our Nation’s Capital*, 207.

<sup>10</sup> Senate, “Granting Suffrage,” 1

<sup>11</sup> Delegate: U.S. Senate, “District of Columbia Suffrage,” *Senate Report No. 508*, 67<sup>th</sup> Congress, 2<sup>nd</sup> Session (February 20-21, 1922): 1; no Senate representation: S.J. Res. 43, 71<sup>st</sup> Congress mentioned in Noyes, *Our Nation’s Capital*, 208; limited to that of States: H.J. Res. 257, 76<sup>th</sup> Congress, *ibid.*, 212; Bill for statehood: H.J. Res 674, 75<sup>th</sup> Congress, *ibid.*, 211.

<sup>12</sup> “My District ‘Tis of Thee.” See bibliography for full citation.

<sup>13</sup> “A Souvenir of the Inauguration,” 2. See bibliography for full citation.

<sup>14</sup> “California Makes D.C. Vote Appeal, Chairman Norton Receives Copy of State Legislature’s Joint Resolution,” *Washington Star*, April 25, 1935.

<sup>15</sup> An example of an ebb of enthusiasm on the issue was after the 1919 race riots in the city. Green, *Capital City*, 256 and 279.

<sup>16</sup> Statehood proposal: Frank Sprigg Perry, “The State of Columbia: Can a State Be Erected Out of the District of Columbia Without a Constitutional Amendment?” *Georgetown Law Journal* (April 1921) and Perry, “Constitutional Convention”. Retrocession proposal mentioned in: “A Destructive Proposal,” *Washington Star*, August 17, 1940. An example of an early home rule plan resembled, in some ways, the territorial government: Diner, *Democracy*, 32. Between 1934 and 1940 alone, Congress considered a dozen home rule plans: Green, *Capital City*, 431. From 1949-1961, more plans were considered and the Senate even passed five of them. None were passed by the House: Derthick, *City Politics*, 176.

<sup>17</sup> Green, *Capital City*, 185-186.

<sup>18</sup> Diner, *Democracy*, 43; Green also reports the broad base of the home rule movement at this time, Green, *Capital City*, 438. But she also points out earlier that even in the late 1930's home rule advocates were mostly white, *ibid.*, 439.

<sup>19</sup> Green, *Capital City*, 494.

<sup>20</sup> Between the 1910 and 1920 census, D.C.'s population grew from 331,000 to 438,000 – an increase of 32%: Census, *Historical Statistics*, Series A 195-209. Green notes that in 1917, at the height of America's involvement in WWI, estimates based on street-car fares indicated that perhaps 526,000 people were living in the District at one point in the decade: Green, *Capital City*, 237.

<sup>21</sup> Green, *Capital City*, 427. Also mentioned in: Diner, *Democracy*, 40.

<sup>22</sup> *Congressional Digest*, 341.

<sup>23</sup> *Congressional Digest*, 343.

<sup>24</sup> In addition to the division between supporters of national representation and home rule, there were also local residents who opposed both. Most prominent among them was Grover Ayers, president of the Ten Miles Square club. His largest fear was that proposals for national representation would set the precedent of a "city-state" and that would lead to the unraveling of the nation: Grover Ayers, *Ten Miles Square Club Opposes Federal Constitutional Amendment Creating a State out of Washington City*, 1931 and *A City – State in the United States: Proposed/Opposed*, 1932. He also, although less actively, opposed home rule: "Suffrage – Pro and Con," *Washington Post*, April 30, 1938, page unknown.

<sup>25</sup> While some national representation advocates never supported home rule, some did make public statements supporting the idea. See the statements of Commissioner George Allen and Paul Lesh of the Joint Committee at a 1938 House Judiciary Committee hearing: "Racial Issue in D.C. Vote Held 'Bogey,'" *Washington Post*, May 19, 1938, page unknown. It is difficult to know whether these men genuinely believed what they were saying or were only paying lip service to home rule for political reasons.

<sup>26</sup> *Congressional Digest*, 342.

<sup>27</sup> Founding of the Board of Trade: Green, *Capital City*, 30-34; Board of Trade's shift to all-white membership and narrowing of policy advocacy: *ibid.*, 175-176. The Board of Trade's opposition to expanded home rule existed alongside their support for national representation as early as 1919: *ibid.*, 256.

<sup>28</sup> Green, *Capital City*, 438.

<sup>29</sup> Benjamin McKelway, in his forward to Noyes' posthumously published book, argued that Noyes did not believe that home rule was a "political birthright" and also made the strategic decision that home rule would mean nothing so long as District residents "remain[ed] under the exclusive control of a Congress in which they have no representation": Noyes, *Our Nation's Capital*, 12-13. Martha Derthick's description of local opposition to home rule because of "racial bias": Derthick, *City Politics*, 58.

<sup>30</sup> "A Baseless Objection to D.C. Suffrage," *Washington Herald*, July 12, 1937, page unknown.

<sup>31</sup> "whispering campaign": "Suffrage – Pro and Con," *Washington Post*, April 30, 1938; "bogey" of a "colored mayor": "Racial Issue in D.C. Vote Held 'Bogey,'" *Washington Post*, May 19, 1938, page unknown.

<sup>32</sup> Mary T. Norton, "Democracy's Stepchild," *Woman's Home Companion*, August 1944, pages unknown.

<sup>33</sup> "there's not a thing wrong with having Congress as our city council," from an interview conducted by Martha Derthick: Derthick, *City Politics*, 171. Racial bias influencing organizations' positions: Anthony J. Thompson, "The Story of the 23<sup>rd</sup> Amendment," (1963-1965?), 21 [see bibliography for full citation]. Green provides supporting evidence for Press' claim about the influence of race on local organizations, but also shows that it's a complicated matter: Green, *Capital City*, 491.

<sup>34</sup> Constance McLaughlin Green, "Free, White and Voteless: D.C.'s Lost Franchise," *The Nation*, Vol. 183 (Nov. 17, 1956), 433.

<sup>35</sup> Norton, "Democracy's Stepchild," 19.

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<sup>36</sup> *Congressional Record*, 80<sup>th</sup> Congress, 2<sup>nd</sup> Session, May, 25, 1948, 6415. Derthick included, but misquoted this passage: Derthick, *City Politics*, 87.

<sup>37</sup> U.S. Senate. *Home Rule and Reorganization for the District of Columbia*. Hearings, 82<sup>nd</sup> Congress, 1<sup>st</sup> Session (1951): 91. As cited in: Derthick, *City Politics*, 172.

<sup>38</sup> “Gwynne Act” of 1940, U.S. Code, title 28, section 41. As cited in Noyes, *Our Nation’s Capital*, 203.

<sup>39</sup> Anthony Thompson describes congressional inertia well when he writes “The political reality behind this realization is that legislation is somewhat like fine wine - it requires careful preparation and a long period of aging before it is ready to be swallowed and comfortably digested.” Thompson, “Story of the 23<sup>rd</sup> Amendment,” 11.

<sup>40</sup> Resistance to District representation in the Senate: *Washington Star*, Aug. 3, 1940 and Feb. 3, 1946. As cited in Thompson, “Story of the 23<sup>rd</sup> Amendment,” 14; An example of congressional concern over exclusive jurisdiction is Senate, “Granting Suffrage,” 10 and 16.

<sup>41</sup> Derthick, *City Politics*, 48 and Green, *Capital City*, 492.

<sup>42</sup> Green, *Capital City*, 254.

<sup>43</sup> Green, *Capital City*, 458; Also cited in Philip G. Schrag, *Behind the Scenes: The Politics of a Constitutional Convention*, (Washington, D.C.: Georgetown University Press, 1985): 12. (Green’s citation for this quote was difficult to trace and though I tried to verify this quote, I was unsuccessful.)

<sup>44</sup> Derthick, *City Politics*, 48. Derthick also writes “That racial prejudice determines the committee’s position is widely taken for granted.” For example, Aaron Goldman, formerly an official of the National Conference of Christians and Jews and long an advocate of home rule, wrote to a senate subcommittee in 1957:

“Most of the blame [for the failure of home rule to be adopted] belongs to a small group of willful Congressmen, most of them from the South, who, regardless of their lofty verbal sentiments, are determined that the large Negro population of the city shall not have the ballot. Here is a denial of the franchise equal to anything which goes on in the Deep South, worse perhaps because it denies the vote to all in order to suppress the rights of some.” She cites : U.S. Senate, *District of Columbia Charter Act*, Hearings, 85<sup>th</sup> Congress, 2<sup>nd</sup> Session, 1958, 107.

### Notes for The 23rd Amendment: 1959-1961

<sup>1</sup> In constructing the history of the 23<sup>rd</sup> amendment, I am deeply indebted to the work of Anthony Thompson who, using interviews and news reports, wrote a thesis entitled “The Story of the 23<sup>rd</sup> Amendment.” He chose to begin his story earlier than I did, starting his narrative earlier in 1959 with a discussion of Rep. Broyhill’s national representation amendment: Anthony J. Thompson, “The Story of the 23<sup>rd</sup> Amendment,” Senior thesis submitted for B.A., History Department, Princeton University, 1963-1965?. Copies available in Washingtoniana Division, Martin Luther King, Jr. Public Library, D.C.

<sup>2</sup> Thompson, “Story of the 23<sup>rd</sup> Amendment,” 24. Another summary of Thompson’s study of the 23<sup>rd</sup> amendment is Mark David Richard’s article “A History of Efforts to Remedy Political Inequality in Washington, District of Columbia via Constitutional Amendment” published on DC Vote’s website: <http://www.dcvote.org/trellis/denial/historyofdcconstitutionalamendments.cfm> .

<sup>3</sup> Thompson, “Story of the 23<sup>rd</sup> Amendment,” 29.

<sup>4</sup> U.S. House, *Hearings before House Judiciary Subcommittee No. 5 on H.J. Res. 529*, April 6-7, 1960, 7. As cited in Thompson, “Story of the 23<sup>rd</sup> Amendment,” 32.

<sup>5</sup> Senator Keating's desire to limit the proposal to only what had a chance of getting through Congress was echoed by Rep. Emanuel Celler of New York, chair of the House Judiciary Committee when he said, "I wish the people who testify will concentrate on the bill before us. I think it is the best you can get, and if you are going to ask for more you may get nothing." U.S. House, *Hearing on H.J. Res. 329*, 33. As cited in Thompson, "Story of the 23<sup>rd</sup> Amendment," 33.

<sup>6</sup> Diner, *Democracy*, 49.

<sup>7</sup> For a previous example of legislative wording limiting Electoral College representation for the District see: Senate Joint Resolution 132, 81<sup>st</sup> Congress (1949), which suggested limiting the number of District electors to "no greater than those of a State." As cited in: Noyes, *Our Nation's Capital*, 215.

<sup>8</sup> Diner, *Democracy*, 59.

<sup>9</sup> Thompson, "Story of the 23<sup>rd</sup> Amendment," 36. For the transcript of the House debate over House Joint Resolution 554, which became the 23<sup>rd</sup> amendment, see: *Congressional Record*, 86<sup>th</sup> Congress, 2<sup>nd</sup> Session, Vol. 106, Part 10, June 14, 1960, 12551-12571.

<sup>10</sup> Thompson, "Story of the 23<sup>rd</sup> Amendment," 37.

<sup>11</sup> Thompson, "Story of the 23<sup>rd</sup> Amendment," 38.

<sup>12</sup> Derthick, *City Politics*, 62.

<sup>13</sup> Diner, *Democracy*, 48.

<sup>14</sup> This interpretation comes from Thompson's interview of Benjamin McKelway: Thompson, "Story of the 23<sup>rd</sup> Amendment," 24.

<sup>15</sup> Thompson, "Story of the 23<sup>rd</sup> Amendment," 28. Thompson is partly quoting: *Washington Star*, Sept. 4, 1959.

<sup>16</sup> Thompson, "Story of the 23<sup>rd</sup> Amendment," 39.

<sup>17</sup> Thompson, "Story of the 23<sup>rd</sup> Amendment," 40. Quoting from an interview with Grace Bassett, reporter for the *Evening Star*.

<sup>18</sup> Thompson, "Story of the 23<sup>rd</sup> Amendment," 39.

In his discussion of passage of the 23<sup>rd</sup> amendment, Stephen Diner writes that "some argued that defeat of the amendment would provide the Soviet Union with a cold war propaganda tool. The strategy worked": (Diner, *Democracy*, 49) Diner provides no evidence for his assertion and I have found little evidence to support it. While there no doubt were comparisons made between the undemocratic situation of the District and that of the Soviet bloc, the majority of discussion in Congress and the media put the issue of District rights within a domestic context and not an international one. An example of a Senator briefly referencing the District in relation to Moscow is Senator Jennings Randolph's statement in a 1959 hearing: "It is ironical that the people of this city, the capital of the United States," Randolph told the committee, "have less voice in their government than the people of Moscow": U.S. Senate, Committee on the Judiciary, *Enfranchisement of District of Columbia, Hearing Before a Subcommittee of the Committee on the Judiciary on S.J. Res 138*, 86<sup>th</sup> Congress, 1<sup>st</sup> Session, September 9, 1959, 12.

<sup>19</sup> Thompson, "Story of the 23<sup>rd</sup> Amendment," 46. Thompson is quoting from his interview with Rep. Broyhill.

<sup>20</sup> This opinion was expressed well by Mrs. Zilla Daniels who testified, "In the past we [home rule supporters] have been skeptical of efforts to achieve a national vote. Opponents of local home rule have used this as a means of stalling home rule legislation and their interest in national representation usually terminates abruptly with the bottling up of home rule legislation." U.S. Senate, *Enfranchisement of District of Columbia*, 54. As cited in Thompson, "Story of the 23<sup>rd</sup> Amendment," 43.

<sup>21</sup> "D.C. Delegate Bill May Go to Senate Soon," *Washington Star*, February 28, 1953, page unknown.

Similarly, Thompson notes that "several days after initial mention of the national representation issue in the Senate . . . both the *Evening Star* and the Board of Trade could be found testifying against home rule in the

House District Committee's hearings": Thompson, "Story of the 23<sup>rd</sup> Amendment," 42. Thompson references the *Washington Star* of August 14, 1959 in support of his statement.

<sup>22</sup> Thompson, "Story of the 23<sup>rd</sup> Amendment," 31-32.

<sup>23</sup> *Ibid.*, 46. Thompson is quoting from his interview with Davis.

<sup>24</sup> *Ibid.*, 49.

<sup>25</sup> *Ibid.*, 51.

<sup>26</sup> *Washington Star* and Jaycess support: *Ibid.*, 54; Carl Shipley's efforts in New Jersey and Ohio, *ibid.*, 58 and 66.

<sup>27</sup> *Ibid.*, 56.

<sup>28</sup> The 12<sup>th</sup> amendment was ratified in 204 days -- the fastest in U.S. history. *Congressional Quarterly Almanac*, 87<sup>th</sup> Congress, 1<sup>st</sup> Session, 1961, Vol. 17 (Washington, D.C.: Congressional Quarterly, Inc.), 399.

The contest to have the honor of being the 38<sup>th</sup> state to ratify the amendment led to an interesting competition between Kansas, Ohio, and New Hampshire. The story of that circus is detailed in: Thompson, "Story of the 23<sup>rd</sup> Amendment," 64-68. The *Congressional Almanac* states that Kansas was the 38<sup>th</sup> state to ratify. Thompson says it was Ohio: Thompson, "Story of the 23<sup>rd</sup> Amendment," 68. Both sources, however, do agree that ratification occurred on March 29, 1961.

<sup>29</sup> Arkansas rejects amendment: Thompson, "Story of the 23<sup>rd</sup> Amendment," 61. Tennessee the only Southern state to approve: *Ibid.*, 69. North Carolina's legislature also dragged its heels and it is possible to consider their actions a rejection-by-inaction: *Ibid.*, 63. Thompson includes a helpful chart listing the dates of ratification for each state on page 81 of his study.

<sup>30</sup> *Washington Post*, April 3, 1961, as cited in Derthick, *City Politics*, 74; Stephen Diner, looking more long term, does not see passage of the amendment as detracting from home rule momentum: Diner, *Democracy*, 50.

<sup>31</sup> Thompson, "Story of the 23<sup>rd</sup> Amendment," 75.

### **Notes for Fruits of the Civil Rights Movement Home Rule and the Birth of Statehood: 1961-1974**

<sup>1</sup> Lyndon Baines Johnson, "Televised Statement by the President Concerning the Signing of the D.C. Home Rule Petition by a Majority of House Members," September 3, 1965. Accessed through the American Presidency Project: <http://www.presidency.ucsb.edu/ws/index.php?pid=27220>.

<sup>2</sup> "Area Residents Support Home Rule, But They Don't Get Excited About It," *Washington Post*, Oct. 4, 1966, A1.

<sup>3</sup> Washington Home Rule Committee: Michael Judah Sachse, "The D.C. Home Rule Movement: 1966-1973," thesis submitted for B.A., Amherst College, 1999. 11-12. Copy available at the Washingtoniana Archives, Martin Luther King Jr. Public Library, Washington, D.C.

<sup>4</sup> Quote from interview with Ben Gilbert conducted by Michael Sachse in Nov. 1998 for his study: Sachse, "D.C. Home Rule Movement," 12.

<sup>5</sup> Interview with Jim Gibson. Rebecca Kingsley (producer and interviewer), transcripts of interviews conducted during the research for *DC the Last Colony*, (Washington, D.C.: 1999-2004), 17-18.

<sup>6</sup> U.S. House, *Federal Payment Formula: Hearings and Markup*, 96<sup>th</sup> Congress, 2<sup>nd</sup> Session, June 18 and September 15-16, 1980, 225.

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For tables which chart the figures of the federal payment after 1975 see: Michael Fauntroy, *Home Rule or House Rule: Congress and the Erosion of Local Governance in the District of Columbia* (Lanham, MD: University Press of America, 2003), 153; and Charles Wesley Harris, *Congress and the Governance of the Nation's Capital: The Conflict of Federal and Local Interests* (Washington, D.C.: Georgetown University Press, 1995), 144.

<sup>7</sup> “Still No Self-Rule for Nation’s Capital – Here Are the Reasons,” *U.S. News and World Report*, January 6, 1964, 34.

<sup>8</sup> Torbiner’s testimony: Elsie Carper, “Race Issue Is Linked to Home Rule,” *Washington Post*, March 10, 1965, A1; Harris poll: “Area Residents Support Home Rule, But They Don’t Get Excited About It,” *Washington Post*, Oct. 4, 1966, A1.

<sup>9</sup> Martha Hamilton and Stephen Green, “End of the McMillan Era,” *Washington Post*, Sept. 14, 1972, A1; Rep. John McMillan (D-SC) was elected to Congress for the first time in 1938. He first served as chairman the House District Committee during the following periods: 79<sup>th</sup> Congress (1945-46), 81-82 Congress (’49-’52), and 84-92<sup>nd</sup> Congresses (’55-’72): Harris, *Congress and the Governance*, 6.

<sup>10</sup> McMillan as de facto mayor: Timothy Hutchins, “McMillan Era Ends,” *Washington Star*, Sept. 14, 1972, C1.; “absentee landlord” and “symbol of Congressional resistance”: Martha Hamilton and Stephen Green, “End of the McMillan Era,” *Washington Post*, Sept. 14, 1972, A1; “notorious graveyard for home rule”: Editorial, “Full Citizenship for D.C.,” *Washington Post*, Feb. 11, 1970, A20.

<sup>11</sup> Commenting after McMillan lost his congressional seat in 1973, Rep. Andrew Jacobs (D-IL) commented that McMillan “‘paid attention to everyday legislation . . . . If you’re going to have colonial rule . . . that’s an important consideration.”: Martha Hamilton and Stephen Green, “End of the McMillan Era,” *Washington Post*, Sept. 14, 1972, A1.

Peter Craig, a District lawyer who actively opposed the construction of freeways through the city in the late 60’s and early 70’s, recalled of McMillan, “I know he was much maligned, but on transportation issues, he really fought for the residents against the freeway onslaught.” Kingsley, interview transcripts, 24.

McMillan ensuring the “continued subjugation” of the District: Editorial, “Chairman McMillan’s (Apparent) Defeat,” *Washington Post*, September 14, 1972, A18.

<sup>12</sup> Lyndon Baines Johnson. “Special Message to the Congress on Home Rule for the District of Columbia.” February 2, 1965. Accessed through the American Presidency Project: <http://www.presidency.ucsb.edu/ws/index.php?pid=27118>.; “D.C. Home Rule,” *Congressional Quarterly Weekly Report*, Vol. 23, No. 30 (July 23, 1965): 1416.

<sup>13</sup> Harris, *Congress and the Governance*, 6. For a discussion of some of the prior home rule bills that passed the Senate and not the House see: Fauntroy, *Home Rule or House Rule*, 32-33.

<sup>14</sup> Lyndon Baines Johnson, “Letter to the Speaker Urging Consideration of the D.C. Home Rule Bill by the House of Representatives,” August 4, 1965. Accessed through the American Presidency Project: <http://www.presidency.ucsb.edu/ws/index.php?pid=27133>.

<sup>15</sup> Martha Hamilton and Stephen Green, “End of the McMillan Era,” *Washington Post*, Sept. 14, 1972, A1.

<sup>16</sup> “D.C. Home Rule,” *Congressional Quarterly Weekly Report*, Vol. 23, No. 40 (Oct. 1, 1965), page 1963.

<sup>17</sup> Johnson, “Televised Statement.”

<sup>18</sup> *Ibid.*

<sup>19</sup> “D.C. Home Rule,” *Congressional Quarterly Weekly Report*, Vol. 23, No. 40 (Oct. 1, 1965), page 1963.

<sup>20</sup> *Ibid.*, pp. 1964-1965

<sup>21</sup> Kingsley, interview with Roger Wilkins, 29.

<sup>22</sup> League of Women Voters of the District of Columbia, *D.C. Last Colony: Self-Government for the District of Columbia*, March, 1970 (Booklet, Washingtoniana Archives, Martin Luther King Jr. Public Library, D.C.), 4.

<sup>23</sup> Kingsley, interview with Jan Eichhorn, 16.

<sup>24</sup> Examples of congressional representation legislation in this period include: a constitutional amendment offered by Senate Majority Leader Mansfield and Minority Leader Dirksen: "District Representation," *Washington Star*, March 10, 1966, page unknown; On the House side, a bill introduced by Rep. Gilbert Gude: *Washington Star*, Jan. 19, 1967; Legislation from Rep. Emmanuel Celler: Shirley Elder, "Celler Introduces Bill for House D.C. Seat," *Washington Star*, March 8, 1967, page unknown.

<sup>25</sup> Lyndon B. Johnson. "Special Message to the Congress: The Nation's Capital." February 27, 1967. Accessed through the American Presidency Project: <http://www.presidency.ucsb.edu/ws/index.php?pid=28662>.

<sup>26</sup> "Reorganization Gives D.C. A Mayor and Council," *Congressional Quarterly Almanac 1967*, 1024.

<sup>27</sup> Ibid.

<sup>28</sup> Population figures: League of Women Voters of the United States, *Facts and Issues*, No. 321, April 1967, 1. Appointing a black majority on the city council: "Reorganization," *CQ Almanac 1967*, 1024.

<sup>29</sup> "Reorganization," *CQ Almanac 1967*, 1026.

<sup>30</sup> For brief background on Walter Washington and John Hechinger see: Harry S. Jaffe and Tom Sherwood, *Dream City: Race, Power, and The Decline of Washington, D.C.* (New York: Simon & Schuster, 1994): 61-62

Remembering Walter Washington's appointment, Roger Wilkins said in an interview later in life: "Johnson thought in time there should be a black mayor, and he decided that the first black mayor of Washington should be me. And when this was conveyed to me, I thought it was the dumbest thing I'd heard. I'm not really from and of Washington. And these people are not stupid. You can't give them any old black person. You can't just say, 'Well, here's a black person, so you should be happy now.' These people are proud of being Washingtonians."

Wilkins told LBJ: "You should absolutely choose Walter Washington, and you should make Walter the mayor. And he scheduled a press conference when he was going to announce it. And I said, "Tell him, if he announces me I am going to say, no, I won't do it." And so he got up there and he stood in front of people, and they expected some kind of announcement, and he looked kind of uncomfortable and he looked around and said, "Well, any questions?"

"And I felt Walter was a wonderful mayor for the time. I thought he was just what the city needed. And I was glad to have had a part, even a small part, but a part anyway in, in the selection of Walter. It's the best thing, I think, I ever did for the city": Kingsley, interview transcripts, 28

For another version of this same exchange between Wilkins and Johnson, see: Jaffe and Sherwood, *Dream City*, 60-61.

Remembering being asked to head the City Council, John Hechinger later reminisced:

"I was very reluctant. I was president of my company at the time, which was one of the main reasons for not accepting it. I ended up at the White House. Joe Califano, who was President Johnson's closest assistant, tried to convince me. And the President walked in and we talked about his desire to have me be the chairman. He said, 'You're absolutely right turning something like this down. Like this folder under my

arm is whether to bomb Haiphong Harbor.’ He’s got to make a life or death decision for thousands of men and I was refusing to do this duty of chairman of the city council. And I said, ‘Oops, you’ve got me Mr. President.’ And it just clicked in my mind and I said, ‘I give up.’ After I said that, the president disappeared, I was put on the elevator to the press room. They had already put together a press release. A photographer was there, and so they didn’t fool around waiting for my willingness to do it. There’s much written about Lyndon Johnson and his forceful way of getting things done what he wanted done. The whole thing looked like a set-up to me that they knew that if Johnson wanted something he was going to get it.”: Kingsley, interview transcripts, 18; See also: Jaffe and Sherwood, *Dream City*, 63.

<sup>31</sup> Sachse, “D.C. Home Rule Movement,” 57.

<sup>32</sup> Kingsley, interview with Tina Hobson, 32.

<sup>33</sup> Policy brutality: Sachse, “D.C. Home Rule Movement,” 48-51. Freeway proposal and protest: “District of Columbia Delegate Primary Jan. 12.” *Congressional Quarterly Weekly Report*, January 8, 1971, 72-74; Also, Gilbert Hahn, City Council Chairman from 1968-1972, recalled about his term: “The big issue at the time was about freeways”: Kingsley, interview transcripts, 10.

<sup>34</sup> Jaffe and Sherwood, *Dream City*, 34-40.

<sup>35</sup> Sachse, “D.C. Home Rule Movement,” 25-26; See also: Jaffe and Sherwood, *Dream City*, 43-44.

<sup>36</sup> *Ibid.*, 27.

<sup>37</sup> The story of the Free D.C. movement is told in: *Ibid.*, 27-37; See also: Jaffe and Sherwood, *Dream City*, 45-49.

<sup>38</sup> Sachse, “D.C. Home Rule Movement,” 30.

<sup>39</sup> Kingsley, interview with Sam Smith, 30.

<sup>40</sup> “Area Residents Support Home Rule, But They Don’t Get Excited About It,” *Washington Post*, October 4, 1966, A1. As cited in: Sachse, “D.C. Home Rule Movement,” 35.

<sup>41</sup> For a broad history of the school system and its governance see: Steven J. Diner, *The Governance of Education in the District of Columbia: An Historical Analysis of Current Issues* (Washington, D.C.: Department of Urban Studies, University of the District of Columbia, 1982).

<sup>42</sup> “Reorganization,” *CQ Almanac 1967*, 1028.

<sup>43</sup> Diner, *Governance of Education*, 44-45. *Hobson v. Hansen* is also discussed in: Sachse, “D.C. Home Rule Movement,” 38-40.

<sup>44</sup> Diner, *Governance of Education*, 44-45.

<sup>45</sup> U.S. Congress, Public Law 90-292, 90<sup>th</sup> Congress. Unexpected passage of an elected school board through the House District Committee: Sachse, “D.C. Home Rule Movement,” 45; Legislative history of the school board bill: “D.C. Legislation,” *Congressional Quarterly Almanac 1968*, 196.

Some observers felt that certain members of the House District Committee “were simply trying to use the elected school board as a sop to prevent complete home rule”: Diner, *Governance of Education*, 44.

<sup>46</sup> Ben Gilbert, *Ten Blocks from the White House: Anatomy of the Riots of 1968* (New York: Frederick A. Praeger, 1968): 27-29; See also: Jaffe and Sherwood, *Dream City*, 67-81.

<sup>47</sup> “In a Week of Riots: The Toll,” *U.S. News and World Report*, Apr. 22, 1968, 37.

There is some discrepancy as to the riot statistics:

Harry Jaffe and Tom Sherwood offer that the riots left \$15 million in property damages, 6,300 arrests, and 12 deaths: Jaffe and Sherwood, *Dream City*, 82.

Michael Sachse provides alternative figures and writes that the riots brought out 11,600 National Guard troops into the capital and ultimately “led to \$27 million in damages, 7,600 arrests, 1,190 injuries, and twelve deaths.” Sachse, “D.C. Home Rule Movement,” 58.

Neither Jaffe and Sherwood nor Sachse provide citations for their figures.

<sup>48</sup> Gilbert, *Ten Blocks*, 3.

<sup>49</sup> *DC Statehood Oral History Project*, interview with Sam Smith, November 2, 1998, 12. See bibliography for full citation.

<sup>50</sup> Sachse, “D.C. Home Rule Movement,” 77.

<sup>51</sup> Jaffe and Sherwood, *Dream City*, 81.

<sup>52</sup> “D.C. Legislation,” *CQ Almanac 1969*, 509.

<sup>53</sup> Barbara Yeomans, personal correspondence with author, Sept. 27, 2005. Ms. Yeomans was an active member of the D.C. League of Women voters during this campaign.

<sup>54</sup> Editorial, “D.C. Last Colony,” *Washington Post*, A14.

<sup>55</sup> Sachse, “D.C. Home Rule Movement,” 84.

<sup>56</sup> Yeomans, personal correspondence. See note 53.

<sup>57</sup> “Washington, D.C. Representation,” *Congressional Quarterly Weekly Reports*, August 14, 1970, 2042.

<sup>58</sup> “D.C. Delegate Bill,” *Congressional Quarterly Weekly Reports*, September 11, 1970, 2211.

<sup>59</sup> U.S. Congress, Public Law 91-405, 91<sup>st</sup> Congress (84 Stat. 845). For a history of the D.C. non-voting delegate see: Michael Fauntroy, *District of Columbia Delegates to Congress*, Congressional Research Service Report, No. RS20875 (April 4, 2001).

<sup>60</sup> Duncan Spencer, “D.C. Takes Its Vote in Stride,” *Washington Star*, January 13, 1971, page unknown.

<sup>61</sup> “City’s ‘gadfly’”: Sachse, “D.C. Home Rule Movement,” 41 ; Controversial term on the school board: Diner, *Governance of Education*, 53 and Sachse, “D.C. Home Rule Movement,” 73-76.

<sup>62</sup> *DC Statehood Oral History Project*, interview with Lou Aronica, October 6, 1998, 4.

<sup>63</sup> For an early twentieth century articulation of statehood see: Perry, “State of Columbia,” and Perry, “Constitutional Convention.”

<sup>64</sup> A reprinting of Smith’s article can be found online at: <http://prorev.com/dcstdfirst.htm>.

<sup>65</sup> The story of this meeting was recalled by Sam Smith in his 1998 interview in: *DC Statehood Oral History Project*, interview with Sam Smith, November 2, 1998, 14-15.

<sup>66</sup> *DC Statehood Oral History Project*, interview with Lou Aronica, October 6, 1998, 5.

<sup>67</sup> “District of Columbia Delegate Primary Jan. 12.” *Congressional Quarterly Weekly Report*, January 8, 1971, 72-74.

For a behind-the-scenes description of Fauntroy’s campaign see: Jaffe and Sherwood, *Dream City*, 94-96.

<sup>68</sup> Hobson gaining 13% of the vote: Sam Smith, “The Case for Statehood,” *Washington Post*, September 17, 1971, B1.

<sup>69</sup> Leaving D.C. residents “short of full citizenship”: *ibid.* Shifting the center of debate: Sachse, “D.C. Home Rule Movement,” 89.

<sup>70</sup> Kingsley, interview with Jan Eichhorn, 13.

<sup>71</sup> The work in 1970 was done by an Ad-Hoc Home Rule Committee which is discussed briefly in: Sachse, “D.C. Home Rule Movement,” 35; The idea of the coalition was articulated in: “Proposal for Self-Determination for D.C., A National Coalition,” memorandum, 1971?, DC Vote Archives.

<sup>72</sup> Exploratory meeting in Feb. 1971: Jan Eichhorn, Rebecca Pecot, and Barbara Thomas, “National Coalition for Full D.C Congressional Representation and Local Self-Government,” February 18, 1971, memorandum, DC Vote Archives; Fauntroy accepting position of co-chairman: Sachse, “D.C. Home Rule Movement,” 90.

<sup>73</sup> Eichhorn, memo Feb. 1971; and *Coalition Comments* (newsletter of the Coalition for Self-Determination for D.C.) “Home Rule Hearings April 3,” Vol. 2, No. 9 (March 1973), 1. See bibliography for full citation.

<sup>74</sup> Sachse criticizes the Coalition for not building much of a local base of support: Sachse, “D.C. Home Rule Movement,” 93; Examples of the Coalition’s activities are detailed in: *Coalition Comments*, 3; Mention of the Coalition’s \$24,000 budget: William Taaffe, “D.C. Going After Full Representation in Congress,” *Washington Star*, Feb. 17, 1975, page unknown.

<sup>75</sup> Kingsley, interview with Sam Smith, 29.

<sup>76</sup> Editorial, “Chairman McMillan’s (Apparent) Defeat,” *Washington Post*, September 14, 1972, A18.

<sup>77</sup> For specifics of McMillan’s tenure see endnote 9; In an interview later in life, Fauntroy explained that the newly registered black voters did not constitute a bloc strong “enough to elect a black from that district, but enough to determine which white could win”: Kingsley, interview transcripts, 36. See also: Fauntroy, *Home Rule or House Rule*, 41;

<sup>78</sup> Stephen Green of the *Washington Post* listed three factors contributing to McMillan’s downfall: 1) The D.C. issue and McMillan’s tentative willingness to compromise on the issue angering some of his supporters; 2) Black voters supporting his opponent; and 3) Organized labor campaigned against McMillan: Stephen Green, “Diggs Won’t Discuss Plans,” *Washington Post*, September 14, 1972, A1.

Fauntroy’s quote about a “new generation of political activists”: “Coronation Without a King,” *Washington Star*, September 13, 1972, B1.

<sup>79</sup> Kingsley, interview transcripts, 36. In this interview, Fauntroy did in fact misstate the month of McMillan’s loss, but the sentiment he expressed was no doubt an accurate reflection of his feelings.

<sup>80</sup> Editorial, “Chairman McMillan’s (Apparent) Defeat,” *Washington Post*, September 14, 1972, A18.

<sup>81</sup> Stephen Green, “Diggs Won’t Discuss Plans,” *Washington Post*, September 14, 1972, A1; Details on the change in House District Committee membership, including a table, are included in: Fauntroy, *Home Rule or House Rule*, 43-44.

<sup>82</sup> Harris, *Congress and the Governance*, 9.

<sup>83</sup> Kingsley, interview with Jan Eichhorn, 13.

<sup>84</sup> Self-Determination’s for D.C.’s justification for not advocating statehood: John Hanrahan, “How Much Self-Government Is Question,” *Washington Post*, April 3, 1973, C1; The statehood movement giving creditability to home rule as a moderate position: Kingsley, interview with Jan Eichhorn, 13.

<sup>85</sup> Editorial, “A Regional Boost for Self-Government,” *Washington Post*, May 18, 1972, A22. The *Post* editorial suggested that the “Board’s new attitude reflects a recognition by forward-looking businessmen of this area that there is an urgent need to build a solid tax base throughout Greater Washington, with a locally elected government in the District that can respond efficiently to common regional problems.”

See also: Stephen Green, “Home Rule Is Gaining,” *Washington Post*, April 25, 1972, C1.

However, the Board’s later lobbying for limitations on home rule indicates that, although it no longer opposed the idea, it still maintained that it should express its various reservations to members of the House District Committee: Jack Kneece, “Coming Debate to Reflect Bitter History,” *Washington Star*, October 7,

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1973, B1; and Martha Hamilton, "Board of Trade Airs Position on Home Rule," *Washington Post*, October 7, 1973, B1.

<sup>86</sup> *Coalition Comments, 1.*

<sup>87</sup> John Hanrahan, "How Much Self-Government Is Question," *Washington Post*, April 3, 1973, C1.

<sup>88</sup> *Coalition Comments, 7.*

<sup>89</sup> *Coalition Comments, 7.*

<sup>90</sup> Jack Kneece, "Coming Debate to Reflect Bitter History," *Washington Star*, October 7, 1973, B1; After home rule legislation passed the House District Committee, Rep. Ancher Nelsen, the ranking Republican on the committee and a targeted member of Congress, noted Self-Determination for D.C.'s success when he quipped, "First, may I say to the lobby that is working, congratulations on a thorough job, and I'm sure the telephone company was very, very thankful also." Sachse, "D.C. Home Rule Movement," 99.

<sup>91</sup> John Hanrahan, "How Much Self-Government Is Question," *Washington Post*, April 3, 1973, C1.

<sup>92</sup> Herbert Denton, "Home Rule Opposed on Hill by 3 Groups," *Washington Post*, April 10, 1973, D1.

<sup>93</sup> A public opinion poll conducted by Henry J. Kaufman and Associates in January 1973 showed that 80% of District residents supported home rule: Harry Kabaker, "Area Residents Seen Backing D.C. Home Rule," *Washington Star*, April 5, 1973, D4.

<sup>94</sup> Jack Kneece, "Coming Debate to Reflect Bitter History," *Washington Star*, October 7, 1973, B1.

<sup>95</sup> "distinct racial overtones": *ibid.*

Rep. John Rarick's testimony: U.S. House, Committee on the District of Columbia, *Home Rule: Hearings Before the Committee on the District of Columbia*. 92<sup>nd</sup> Congress, 2<sup>nd</sup> Session (1972), 128. Rep. Diggs gave an eloquent rebuttal to Rep. Rarick which elicited applause from those in the hearing chamber, pg. 134. Also cited in: Fauntroy, *Home Rule or House Rule*, 50.

<sup>96</sup> John Hanrahan, "How Much Self-Government Is Question," *Washington Post*, April 3, 1973, C1.

<sup>97</sup> *Ibid.*

<sup>98</sup> *Congressional Quarterly Almanac 1973*, 736; Jack Kneece, "Coming Debate to Reflect Bitter History," *Washington Star*, October 7, 1973, B1.

<sup>99</sup> Martha Hamilton, "Diggs Yields on Budget in D.C. Rule Bill," *Washington Post*, Oct. 6, 1973, D1.

<sup>100</sup> *CQ Almanac 1973*, 738; Martha Hamilton, "Diggs Yields on Budget in D.C. Rule Bill," *Washington Post*, Oct. 6, 1973, D1..

<sup>101</sup> "Bitter pill": Editorial, "The Twists in the Road to Home Rule," *Washington Post*, October 10, 1973, A14; Statehood activists were prepared to oppose any home rule legislation: John Hanrahan, "How Much Self-Government Is Question," *Washington Post*, April 3, 1973, C1.

<sup>102</sup> Kingsley, interview with Jan Eichhorn, 14.

<sup>103</sup> In making the compromise, Diggs also hoped that some provisions lost in the House could be added back in during conference negotiations with the Senate: Martha Hamilton, "Home Rule Bill is Amended," *Washington Post*, October 9, 1973, A1.

<sup>104</sup> *Ibid.*

<sup>105</sup> Cathe Wolhowe, "Diggs is Accused of 'Power Ploy,'" *Washington Post*, October 8, 1973, C1.

<sup>106</sup> Editorial, "The Twists in the Road to Home Rule," *Washington Post*, October 10, 1973, A14.

<sup>107</sup> Martha Hamilton and Kirk Scharfenberg, "Natcher agrees to Back D.C. Suffrage," *Washington Post*, October 10, 1973, A1.

Rep. Natcher was also later credited with helping carry other members' votes in support of home rule: Martha Hamilton and Kirk Scharfenberg, "D.C. Wins Home Rule in House," *Washington Post*, October 11, 1973. A1.

<sup>108</sup> Martha Hamilton and Kirk Scharfenberg, “D.C. Wins Home Rule in House,” *Washington Post*, October 11, 1973, A1.

<sup>109</sup> Martha Hamilton, “Fauntroy Left out of Home Rule Talks,” *Washington Post*, October 18, 1973, C6.

<sup>110</sup> *CQ Almanac 1973*, 740. Martha Hamilton, “Conferees Vote D.C. Rule Bill,” *Washington Post*, November 28, 1973, A1.

<sup>111</sup> Martha Hamilton, “Home Rule is Approved by House,” *Washington Post*, December 18, 1973, B1.

<sup>112</sup> Martha Hamilton, “Nixon Signs Home Rule Bill,” *Washington Post*, December 25, 1973, A1; The home rule legislation was officially called the “District of Columbia Self-Government and Governmental Reorganization Act.” 93<sup>rd</sup> Congress, Public Law 93-198 (87 stat 774): Fauntroy, *Home Rule or House Rule*, 5.

For another history of the home rule legislation see: Jaffe and Sherwood, *Dream City*, 102-103.

<sup>113</sup> Martha Hamilton, “Nixon Signs Home Rule Bill,” *Washington Post*, December 25, 1973, A1. Walter Washington would later regrettably concede in a 1998 interview that his hope that limited home rule would expand into greater autonomy had not come to pass. ‘I thought we’d be way down the road. . . we got limited home rule. I thought by now we’d have control of the budget, control of revenue.’ Walter Washington, interview by Kojo Anandi, Mark Plotkin, and Adrian Washington, December 4, 1998, *D.C. Politics Hour*. Tape recording. WAMU, Washington, D.C., as cited in: Sachse, “D.C. Home Rule Movement,” 103.

<sup>114</sup> Op-ed., Robert L. Asher, “The Spirit of ’74: How Much ‘Home Rule?’” *Washington Post*, December 17, 1973, A26.

### Notes for The Story of the D.C. Voting Rights Amendment: 1974-1985

<sup>1</sup> Charles Wesley Harris talks about attending Walter Washington’s Jan. 2, 1975, inauguration in the preface to his book *Congress and The Governance of the Nation’s Capital: The Conflict of Federal and Local Interests*, page xv.

<sup>2</sup> Julius Hobson, elected as an at-large member of the City Council on the Statehood Party’s ticket, introduced a statehood bill in the Council in 1976. Reflecting the strong interest in pursuing voting representation at the time, the Coalition for Self-Determination argued against the bill and many city council members voted against pursuing statehood: Milton Coleman, “Statehood Plan is Put Off Until Carter Takes Over,” *Washington Post*, November 16, 1976, B2; Editorial, “Strategies for Statehood,” *Washington Post*, November 23, 1976, A14. Hilda Mason, who replaced Hobson on the council, introduced a similar resolution in 1978 which met a similar fate: Jack Eisen, “Council Hears Differing Views on Merits of Statehood for D.C.,” *Washington Post*, June 29, 1978, C2.

Some of the strongest support for changing the home rule act to allow for a commuter tax came from Republican Representative Stewart McKinney of Connecticut: Helen Dewar, “D.C. Commuter Tax Is Winning Renewed Attention on the Hill: Revenue Situation Held ‘Desperate,’” *Washington Post*, September 21, 1975, B1; In 1976, his bill to allow for non-resident taxation passed the District Subcommittee on Fiscal Affairs and then passed the full House District committee. See: J.Y. Smith, “House Unit Approves D.C. Nonresident Tax,” *Washington Post*, June 30, 1976, C5; and “Commuter Tax Suffers New Setback,” *Washington Post*, July 29, 1976, C5.

Opposition to the commuter tax idea came, as expected, from the House members representing the D.C. suburbs. Writing without recognition of the irony of his words, Rep. Herbert Harris of northern VA wrote in the *Post*, “a commuter tax amounts to taxation without representation. That went out with the American Revolution and I will do all I can as a member of the House District Committee to make sure it is not

reinstated this Bicentennial year.” He continued later, “no citizen should be asked to pay a tax to officials they have no voice in electing.”

In addition to Harris’ opinion piece, the *Post* also ran an opinion piece from Marion Barry as well as an article on that same page regarding the commuter tax: *Washington Post*, January 29, 1976, B1.

<sup>3</sup> Kingsley, interview transcripts, 14.

<sup>4</sup> Helen Dewar, “Bill Gives D.C. More Stature,” *Washington Post*, September 12, 1975, C5.

<sup>5</sup> William Taffee, “D.C. Going After Full Representation in Congress,” *Washington Star*, February 17, 1975.

<sup>6</sup> The bill first passed the House Judiciary Subcommittee on Constitutional Rights on October 29, 1975: Helen Dewar, “Full D.C. Voting Rights Clears Hurdle,” *Washington Post*, October 30, 1975, A20; It passed the full House Judiciary Committee on December 2, 1975: “District Voting Bill Advances in House,” *Washington Post*, December 3, 1975, B2; Approval from the House Rules Committee came on February 18, 1976: Stephen Lynton, “House Vote Set on D.C. Amendment,” *Washington Post*, February 19, 1976, A1.

<sup>7</sup> Fauntroy’s willingness to compromise: Helen Dewar, “Compromise Expected on D.C. Hill Vote,” *Washington Post*, March 16, 1976, A1. The House voted against the bill 229-181 on March 23, 1976: *Congressional Quarterly Almanac 1976*, 507.

<sup>8</sup> “The principle Senate backers” of the amendment were Edward Kennedy (D-MA), Hubert Humphrey (D-MN), Edward Brooke (R-MA), and Jacob Javits (R-NY): Rebeca Leet, “It’s Going to Be Tough Getting Senators to Accept Newcomers,” *Washington Star*, June 24, 1977; Brooke was a D.C. native and a graduate of Dunbar Senior High School as well as Howard University: Donald E. Baker, “Nearly Half of Senate Undecided on D.C. Vote,” *Washington Post*, April 18, 1978, A1.

<sup>9</sup> Philip Shandler, “Carter Backs Full Representation for D.C. in Congress,” *Washington Star*, September 21, 1977, A1; Milton Coleman and Jack Eisen, “Carter Backs Fuller D.C. Home Rule,” *Washington Post*, September 22, 1977, A1. Carter would later go on to mention the need for full voting representation in his 1978 state of the union address: Donald P. Baker, “Carter Renews His Support for D.C. Vote Representation,” *Washington Post*, January 20, 1978, A15.

<sup>10</sup> Passage through the House Judiciary Subcommittee on Civil and Constitutional Rights: Jack Eisen, “Full Voting Rights on Hill for D.C. Approved by Panel,” *Washington Post*, November 1, 1977, C2; Passage through full House Judiciary Committee: Donald P. Baker, “Committee Backs Full Voting Rights on Hill for D.C.,” *Washington Post*, February 1, 1978, C1.

<sup>11</sup> The full House vote was on March 2, 1978. Most representatives from the D.C. suburbs voted for it: Donald P. Baker, “House Approves Full Voting Rights on Hill for D.C.,” *Washington Post*, March 3, 1978, A1.

<sup>12</sup> Donald P. Baker, “Coalition Strategy: How to Win Votes for D.C. Voice in Congress,” *Washington Post*, March 5, 1978, A1.

<sup>13</sup> Donald P. Baker, “Committee Backs Full Voting Rights on Hill for D.C.,” *Washington Post*, February 1, 1978, C1.

<sup>14</sup> Donnel Nunes and LaBarbara Bowman, “Dole, Robert Byrd Join Backers of D.C. Voting Bill,” *Washington Post*, August 20, 1978, A1; See also: “Southern Attitude Aided D.C. Bill,” *Washington Post*, August 27, 1978, A2.

<sup>15</sup> Joe Rauh commenting on ‘putting the monkey on their backs’: “Senate Roll Call on D.C. Voting Bill,” *Washington Post*, August 23, 1978, A3; Walter Fauntroy referring to the proposed amendment as the Civil

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Rights Act of 1978: LaBarbara Bowman, “D.C. Tightens Pressure in Representation Fight,” *Washington Post*, August 22, 1978, A5.

<sup>16</sup> Sen. Thurmond’s op-ed: “‘Fundamental Fairness’ for the District,” *Washington Post*, August 18, 1978, A19; His votes against 23<sup>rd</sup> amendment and home rule: “Southern Attitude Aided D.C. Bill,” *Washington Post*, August 27, 1978, A2; General coverage of his stance in support of the D.C. Voting Rights Amendment: Donald P. Baker, “Thurmond Backs Vote for District,” *Washington Post*, July 20, 1978, B1; and Editorial, “Will the Senate Say Yes to D.C.?” *Washington Post*, July 24, 1978, A14.

<sup>17</sup> Kenneth Bredemeir and LaBarbara Bowman, “Senate Passes D.C. Voting Amendment,” *Washington Post*, August 23, 1978, A1.

<sup>18</sup> Donnel Nunes and LaBarbara Bowman, “Dole, Robert Byrd Join Backers of D.C. Voting Bill,” *Washington Post*, August 20, 1978, A1.

<sup>19</sup> Ibid.

<sup>20</sup> Donald P. Baker, “Committee Backs Full Voting Rights on Hill for D.C.,” *Washington Post*, February 1, 1978, C1; Another example of Republican support borne from genuine belief in the fairness of the amendment was Rep. Stewart McKinney (R- CT) who saw it as “a simple matter of justice.” Donald P. Baker, “Full Representation for D.C. On Hill Debated in House,” *Washington Post*, March 2, 1978, C1.

<sup>21</sup> Brock’s general support of the amendment: Donnel Nunes and LaBarbara Bowman, “Dole, Robert Byrd Join Backers of D.C. Voting Bill,” *Washington Post*, August 20, 1978, A1; His strategy to court urban blacks: “Constitutional Rights for DC,” *The New Republic*, Sept. 30, 1978, 11; The full page advertisement appeared on the back cover of Ripon Society Forum’s magazine in their September – October 1978 issue.

<sup>22</sup> Calling the proposed constitutional amendment “unconstitutional”: LaBarbara Bowman, “Filibuster Greets Senate Debate on D.C. Voting Rights,” *Washington Post*, August 17, 1978; “It was a similar statement by Hatch on the Senate floor just before the vote that prompted Majority Leader Byrd to scold Hatch, in a lecturing tone of voice, that ‘the Constitution is a living document. A constitutional amendment can’t be unconstitutional. That is a fatal flaw in the argument of those who make that very curious objection’”: Donald P. Baker and Karlyn Barker, “Senate Passes D.C. Voting Amendment,” *Washington Post*, 1978, A1.

Sen. Hatch explained his opposition to the amendment in depth in: Orrin Hatch, “Should The Capital Vote in Congress? A Critical Analysis of the Proposed D.C. Representation Amendment,” *Fordham Urban Law Journal*, Vol. 7 (1978): 479-539.

<sup>23</sup> LaBarbara Bowman, “Filibuster Greets Senate Debate on D.C. Voting Rights,” *Washington Post*, August 17, 1978.

<sup>24</sup> Donnel Nunes and LaBarbara Bowman, “Dole, Robert Byrd Join Backers of D.C. Voting Bill,” *Washington Post*, August 20, 1978, A1.

<sup>25</sup> Donald P. Baker, “House Approves Full Voting Rights on Hill for D.C.,” *Washington Post*, March 3, 1978, A1.

<sup>26</sup> Kenneth Bredemeir and LaBarbara Bowman, “Senate Passes D.C. Voting Amendment,” *Washington Post*, August 23, 1978, A1.

<sup>27</sup> Editorial, “Voting for the Vote for D.C.,” *Washington Post*, January 31, 1978, A18.

<sup>28</sup> Kennedy’s parliamentary maneuvering: Donald P. Baker, “House Approves Full Voting Rights on Hill for D.C.,” *Washington Post*, March 3, 1978, A1; and Donald E. Baker, “Nearly Half of Senate Undecided on

D.C. Vote,” *Washington Post*, April 18, 1978, A1 ; Mondale’s lobbying: Donald P. Baker, “Senate Gets D.C. Voting Bill Today,” *Washington Post*, August 22, 1978, A1; Use of Mondale’s Senate office: “Senate Roll Call on D.C. Voting Bill,” *Washington Post*, August 23, 1978, A3; Sixty-six senators need to make a two-thirds majority: Donald P. Baker, “Senate Gets D.C. Voting Bill Today,” *Washington Post*, August 22, 1978, A1; Final Senate vote on amendment: Donald P. Baker and Karlyn Barker, “Senate Passes D.C. Voting Amendment,” *Washington Post*, August 23, 1978, A1.

<sup>29</sup> Strom Thurmond’s quote: Donald P. Baker, “Thurmond Backs Vote for District,” *Washington Post*, July 20, 1978, B1; Sen. John Sparkman (D-AL), and perhaps Senators Strom Thurmond (D-SC) and Robert Byrd (D-WV) as well, would not have voted for amendment if he was not assured it would be submitted to the states for ratification: “Southern Attitude Aided D.C. Bill,” *Washington Post*, August 27, 1978, A2.

<sup>30</sup> Edward M. Meyers, *Public Opinion and the Political Future of the Nation’s Capital* (Washington, D.C.: Georgetown University Press, 1996), 181.

<sup>31</sup> Robert Pear and Diane Brockett, “Legislative Expert Sees ‘Smooth Sailing’ For Amendment,” *Washington Star*, August 23, 1978, page unknown.

<sup>32</sup> California’s ratification stalls: Donald P. Baker, “Calif. Ratification of D.C. Voting Rights Amendment Delayed,” *Washington Post*, August 25, 1978, A3; Delaware’s ratification stalled as well: Donald P. Baker, “Fauntroy Lobbies for D.C. Amendment,” *Washington Post*, September 1, 1978, C3; In response to these problems, Walter Fauntroy tried to regroup and slow down some of the more zealous ratification campaigns: Donald P. Baker, “Fauntroy Slows Drive to Gain D.C. Representation,” *Washington Post*, September 2, 1978, C2. New Jersey ratifies the amendment: Donald P. Baker, “New Jersey 1<sup>st</sup> to Ratify D.C. Proposal,” *Washington Post*, September 12, 1978, A1; and Diane Brockett, “How D.C. Amendment Passed in N.J.” *Washington Star*, September 12, 1978, A1.

<sup>33</sup> Donald P. Baker, “State Legislatures Split on Question of District Vote,” *Washington Post*, September 15, 1978, A1.

The 16 states that ratified the D.C. Voting Rights Amendment were: Connecticut, Delaware, Hawaii, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Ohio, Oregon, Rhode Island, West Virginia, and Wisconsin: *Congressional Quarterly 1985 Almanac*, 404-405; as cited in Stephen J. Markman, *Statehood for the District of Columbia: Is it Constitutional? Is it Wise? Is it Necessary?* (Washington, D.C.: National Legal Center for the Public Interest, 1988), 3.

<sup>34</sup> Walter Fauntroy referring to the proposed amendment as the Civil Rights Act of 1978: LaBarbara Bowman, “D.C. Tightens Pressure in Representation Fight,” *Washington Post*, August 22, 1978, A5; and Joseph Rauh using the phrase: “Senate Roll Call on D.C. Voting Bill,” *Washington Post*, August 23, 1978, A3

Fauntroy arguing that amendment is not just a ‘black issue’: Donald P. Baker, “Fauntroy Slows Drive to Gain D.C. Representation,” *Washington Post*, September 2, 1978, C2.

<sup>35</sup> Donald P. Baker, “Race Issue Enters Fight to Ratify D.C. Voting Amendment,” *Washington Post*, Oct 1, 1978, B6.

<sup>36</sup> Donald P. Baker, “Selling the Amendment,” *Washington Post*, January 29, 1979, C1.

<sup>37</sup> An ABC News-Lou Harris poll in early 1979 indicated that 57% of the American public supported ratification “Poll Finds Majority Favors Vote for D.C.,” *Washington Post*, February 2, 1979.

<sup>38</sup> Donald P. Baker, “D.C. Amendment Bogs Down,” *Washington Post*, December 6, 1978, A1.

<sup>39</sup> Diane Brockett, “D.C. Vote Backers in V.A. See Snub,” *Washington Star*, January 8, 1979, A1.

<sup>40</sup> “For the Record,” *Washington Post*, September 5, 1978, A16.

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<sup>41</sup> Coalition for Self-Determination for D.C., Ratification Campaign, *As a State Legislator, You Now Face A Decision On the Future of 750,000 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*, Booklet, 1979. Washingtoniana Division, Martin Luther King Jr. Public Library, Washington, D.C. Folder: Suffrage, National Representation. Also available digitally: <http://www.dcvote.org/trellis/acting/statelegreport1979.pdf>.

A *Post* editorial pointed out the need for a bipartisan ratification strategy: Editorial, “Republicans for Ratification,” *Washington Post*, December 3, 1978, C6.

<sup>42</sup> Diane Brockett, “Infighting Hurts D.C. Vote Effort,” *Washington Star*, December 6, 1978, page unknown.

<sup>43</sup> Donald P. Baker, “D.C. Amendment Bogs Down,” *Washington Post*, December 6, 1978, A1.

<sup>44</sup> Thompson is great-grandson of Noyes: Editorial, “Uniting for Ratification,” *Washington Star*, April 21, 1979. Thompson faced criticism for being a resident of Frederick County, MD while he was director of the Corporation and was dismissed by a District Republican leader as “Fautroy’s token Republican”: Donald P. Baker, “D.C. GOP Sets Vote on Amendment,” *Washington Post*, April 30, 1979, C1.

Thompson’s interest in voting rights for the District dates back to at least his years as an undergraduate student at Princeton University, where he wrote his senior thesis on the 23<sup>rd</sup> Amendment. See the bibliography for the full citation of his very useful research.

<sup>45</sup> Donald P. Baker, “Voting Rights Backers in Power Clash,” *Washington Post*, May 16, 1979, C1.

<sup>46</sup> Barbara Kober, “A Year After Passage, Rifts Remain in Drive to Ratify D.C. Amendment,” *Washington Star*, August 22, 1979, page unknown; and Kenneth R. Walker, “Unity Bid on District Vote Fails,” *Washington Star*, November 6, 1979, D1.

<sup>47</sup> Johnny Barnes quote from a December 2004 interview: Lindsay S Tiemeyer, “The Proposed D.C. Voting Rights Amendment of 1978: Where Did Such a Right Go Wrong? The Reasons for the Amendment’s Failure,” Paper submitted for Washington Semester Research Project, American University (Fall, 2004), 26.

The ratification battle over the Equal Rights Amendment (ERA), which was sent to the states for ratification in 1972, played a significant role in shaping the context of the D.C. Voting Rights Amendment later in the decade. Both sides knew what a ratification campaign was like and therefore once the amendment left Congress, the ERA still influenced strategy on both sides. According to Common Cause lobbyist Dick Clark, supporters of the D.C. amendment decided to avoid pushing for it if the ERA was under consideration in a certain state legislature. Opponents, on the other hand, could build on the networks they had established to fight the ERA state-by-state. “Opponents know how to attack as the result of the ERA fight,” explained Jason Boe, President of the National Conference of State Legislatures and president of Oregon state senate: Donald P. Baker, “State Legislators Split On Question of District Vote,” *Washington Post*, September 15, 1978, A1.

A number of Congressmen made comments based on a comparison between the two. Prior to the Senate vote, UPI quoted Sen. Patrick Leahy (D-VT) “saying the fight to get 38 state legislatures to ratify the constitutional amendment within the required seven-year period ‘is going to make the ERA battle look like a warm-up exercise.’”: Karlyn Barker, “Baker to Support D.C Voting Bill,” *Washington Post*, August 21, 1978, A1.

On the other side of the aisle, Sen. Jesse Helms (NC) echoed this sentiment when he predicted that the ratification of the D.C. amendment “will make the ERA extension fight look like a cakewalk”: Donald P. Baker, “Senate Gets D.C. Voting Bill Today,” *Washington Post*, August 22, 1978, A1.

<sup>48</sup> Donald P. Baker, “Conservatives Bid to Stop D.C. Vote Launched in PA,” *Washington Post*, September 21, 1978, C4.

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<sup>49</sup> Donald P. Baker, "Conservatives Unite to Oppose D.C. Amendment," *Washington Post*, December 3, 1978, A1.

<sup>50</sup> Donald P. Baker, "Selling the Amendment," *Washington Post*, January 29, 1979, C1.

<sup>51</sup> Donald P. Baker, "Conservatives Unite to Oppose D.C. Amendment," *Washington Post*, December 3, 1978, A1.

Two published pieces that offer thoroughly articulated arguments against the amendment are:

Judith Best, *National Representation for the District of Columbia* (Frederick, MD: University Publishers of America, 1984).

Jules B. Gerard, *The Proposed Washington, D.C. Amendment* (Missouri Council for Economic Development, 1979).

<sup>52</sup> Donald P. Baker, "13 States Held Likely to Block D.C. Vote," *Washington Post*, September 26, 1978, A1.

<sup>53</sup> Donald P. Baker, "Why America Doubts Need for D.C. Vote," *Washington Post*, June 3, 1979, D3. Minnesota, however, did ratify the amendment.

<sup>54</sup> Tiemeyer, "Proposed D.C. Amendment," 28. For the list of states that ratified see note 33.

<sup>55</sup> Donald P. Baker, "13 States Held Likely to Block D.C. Vote," *Washington Post*, September 26, 1978, A1.

<sup>56</sup> The eight states that had rejected or stalled the amendment by late March were: North Dakota, Wyoming, Idaho, Maryland, South Carolina, Delaware, Pennsylvania, and Maryland. The five states that had ratified it by then were: New Jersey, Ohio, Michigan, Minnesota, and Massachusetts. See: Donald P. Baker, "D.C. Amendment Drive Moribund After 6 Months," *Washington Post*, March 3, 1979, C1; and Donald P. Baker, "D.C. Rights Ratified In Two States," *Washington Post*, March 20, 1979, page unknown.

<sup>57</sup> "Unhappy Birthday": Editorial, "Unhappy Birthday," *Washington Post*, August 22, 1981, A22; Joe Rauh's quote: Op-ed, Joseph Rauh, "The D.C. Amendment Can Be Saved," *Washington Post*, August 22, 1981, A23.

<sup>58</sup> Joe Rauh made another plea for support of the amendment on its fourth birthday: Op-ed., Joseph Rauh, "D.C. Voting Rights: 'Shall We Give Up? Nonsense!'" *Washington Post*, August 22, 1982, C8.

<sup>59</sup> The sunset of the amendment did not even make national news section of the *Post*, it only made the local news section: Sandra Evans, "Voting Rights Amendment Runs Out of Time," *Washington Post*, August 22, 1985, C3.

<sup>60</sup> Op-ed., Joseph Rauh, "D.C. Voting Rights, What Went Wrong?" *Washington Post*, August 25, 1985, B8.

### **Notes for Statehood Moves from the Fringe to Mainstream: 1980-1993**

<sup>1</sup> Preamble to New Columbia Constitution: "New Columbia's Constitution," *Washington Post*, June 9, 1982, C4; and Philip G. Schrag, *Behind the Scenes: The Politics of a Constitutional Convention*, (Washington, D.C.: Georgetown University Press, 1985), 259.

<sup>2</sup> Peak of 2500 registrants and Hobson's death: Schrag, *Behind the Scenes*, 16; Statehood a "forgotten victim": Milton Coleman, "Statehood Party Loses Clout," *Washington Post*, March 1, 1979, D3.

<sup>3</sup> Schrag, *Behind the Scenes*, 18.

<sup>4</sup> *Ibid.*, 20.

<sup>5</sup> *Ibid.*, 18-22.

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<sup>6</sup> *Ibid.*, 22.

<sup>7</sup> *Ibid.*, 23.

<sup>8</sup> Regarding the superficial support of the statehood initiative the *Post* reported “few officials are taking any active role in pushing the measure, and most believe it will pass with or without their help.” Fauntroy’s “against sin and for motherhood” quote is also in this article: Eugene Robinson, “Fauntroy Says Voters Will Approve Statehood,” October 22, 1980, B1.

<sup>9</sup> LWV opposition to statehood initiative: Eugene Robinson, “League of Women Voters Opposes Statehood Measure,” *Washington Post*, October 24, 1980, C1; *Washington Star* opposition, as well as a general discussion of the opposition to the statehood initiative: Schrag, *Behind the Scenes*, 23-24.

<sup>10</sup> Juan Williams, “Statehood for D.C.? Yes” and James E. Clayton, “Statehood for D.C.? No” *Washington Post*, October 28, 1980, A17.

<sup>11</sup> Schrag, *Behind the Scenes*, 3.

<sup>12</sup> *Ibid.*, 25. For a broad overview of the statehood movement in the 80’s and 90’s see: Meyers, *Public Opinion*, 38-39.

<sup>13</sup> Schrag, *Behind the Scenes*, 27.

<sup>14</sup> *Ibid.*, 28.

<sup>15</sup> 16% of registered voters: Schrag, *Behind the Scenes*, 29; Opening day of the convention: *Ibid.*, 93.

<sup>16</sup> *Ibid.*, 198; The entire text of the constitution as approved by the convention can be found reprinted in: *Ibid.*, 258-297.

<sup>17</sup> Listed in order of appearance of bullet points in Schrag, *Behind the Scenes*: Article 1, Section 4 (pg. 260); Article 1, Section 11 (262); Article 1, Sections 20 and 21 (263); Article 12, Section 1, (285).

<sup>18</sup> Paul W. Valentine, “D.C. Statehood: Delegates Get Set,” *Washington Post*, January 24, 1982, C1.

<sup>19</sup> Schrag, *Behind the Scenes*, 3; See also: Paul W. Valentine, “D.C. Statehood: Delegates Get Set,” *Washington Post*, January 24, 1982, C1.

<sup>20</sup> Judith Valente, “D.C. Board of Trade Aims a Broadside at Statehood Constitution,” October 15, 1982, B3.

<sup>21</sup> Post’s editorial against constitution: Schrag, *Behind the Scenes*, 245; Courts Oulahan’s, a convention delegate, opposition: Schrag, *Behind the Scenes*, 241-242.

<sup>22</sup> Op-ed., Charles I. Cassell, “Vote Yes on the D.C. Constitution,” *Washington Post*, October 17, 1982, page unknown.

<sup>23</sup> Schrag, *Behind the Scenes*, 245.

<sup>24</sup> “Statehood Documents Going to Congress,” *Washington Times*, September, 8, 1983, page unknown.

<sup>25</sup> Census, *Historical Statistics*, Series A 195-209 and Census, *Statistical Abstract 1992*, Table No. 26, Pg. 24; See also: Lawrence Fineber, “District Shows 16% Population Drop to 635,185,” *Washington Post*, October 9, 1980, A1.

<sup>26</sup> The city council members were Nadine Winter of Ward 6 and H.R. Crawford of Ward 7: Athelia Knight and Tom Sherwood, “‘We’ve Got To Find a Way To Stop All Of This’: Frustrated City Leaders Call For Help From Bush, The National Guard In Ending Violence,” *Washington Post*, February 16, 1989, A16.

<sup>27</sup> Ten District officials convicted: “10 D.C. Officials Convicted Since ‘79” *Washington Post*, January 16, 1987, A30; Continuing investigations: Nancy Lewis & Sharon LaFraniere, “D.C. Inquiries Massive In Scope; Few City Agencies Left Out,” *Washington Post*, August 30, 1987, A1.

For details on the downward spiral of the Barry administration see: Jaffe and Sherwood, *Dream City*, 162-184.

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<sup>28</sup> Sandra Torry and Richard Morin, “Half of U.S. Polled Believes D.C. Is Most Corrupt, Problems Out of Hand Says Majority Polled,” *Washington Post*, March 23, 1989, C1.

<sup>29</sup> Equal financing from city and federal government: Alice Rivlin (Chair, Commission on Budget and Financial Priorities), *Financing the Nation’s Capital: The Report of the Commission on Budget and Financial Priorities of the District of Columbia*, November 1990. (Commonly known as the Rivlin Report), xxvii. “financial crisis”: *Rivlin Report 1990*, 1-1.

<sup>30</sup> *Rivlin Report 1990*, 1-4.

<sup>31</sup> Howie Kurtz and Michael Isikoff, “Congress Still Rules the Roost in the District,” *Washington Post*, October 25, 81, A1. However, observers who were old enough to be able to compare federal-local relations before and after home rule felt that, although Congress was still very involved, the tone had changed following the McMillan era: Sandra Evan and Eric Pianin, “In the Old Days, Congressmen Didn’t Get Tickets,” *Washington Post*, January 1, 1985, A13.

<sup>32</sup> Eric Pianin, “Congressional Show of Muscle Leaves D.C. Officials Bruised,” *Washington Post*, October 2, 1988, B1; For an in-depth analysis of these two vetoes, and a congressional veto of D.C.’s attempt to change the height restriction on buildings in the city in 1990, see: Harris, *Congress and the Governance*, 101-136.

<sup>33</sup> Woodrow Wilson SHS Swimming Pool Hours – as mandated by Congress: U.S. Congress, *District of Columbia Appropriations Act of 1975*, 93<sup>rd</sup> Congress, Public Law No. 93-405, 88 Stat. 826 (1974). For a lengthy and rich appendix with a full of listing of congressional riders imposed on the District, see : Philip Schrag, “The Future of District of Columbia Home Rule,” *Catholic University Law Review*, Vol. 39 (Winter 1990), appendix pp. 355-371.

For an in-depth look at congressional challenges to home rule as well as legislative riders and their influence on the governance of the District see: Harris, *Congress and the Governance*, 65-100 and 148-169.

Another example of Congress’ arbitrary control of the city was its refusal to decommission a fire station near the Capitol despite the fact that only a few blocks further away was a functional, and more efficient, fire station that could adequately protect the Capitol building: (Kent Jenkins, Jr., “The Long Road to New Columbia: Every Move You Make” *Washington Post Magazine*, July 4, 1993: 19).

Still more are chronicled in: Meyers, *Public Opinion*, 29.

The riders were also mentioned in: Jamin Raskin, “Now that We’ve Freed Kuwait, Liberate the District,” *Nation*, March 25, 1991 (Vol 252), 372.

<sup>34</sup> Eric Pianin, “Congressional Show of Muscle Leaves D.C. Officials Bruised,” *Washington Post*, Oct. 2, 1988, B1. See also: Michael York, “Turnout for Home Rule Falls Short of Estimate, Demonstrators Vow Not to Back Down,” *Washington Post*, October 13, 1988, D5.

<sup>35</sup> Eric Pianin, “Congressional Show of Muscle Leaves D.C. Officials Bruised,” *Washington Post*, Oct. 2, 1988, B1; and Athelia Knight, “District Bill Would Accede on Gay Rights,” *Washington Post*, October 14, 1988, C5. See also: Schrag, “Future of District of Columbia,” pg. 370 and footnote 283. These riders elicited a protest from city council members and Walter Fauntroy, but their plan to encircle the Capitol with 3,000 protestors failed when only 300 showed. The *Post* gave the story very limited visibility: Michael York, “Turnout for Home Rule Falls Short of Estimate, Demonstrators Vow Not to Back Down,” *Washington Post*, October 13, 1988, D5.

<sup>36</sup> Eric Pianin, “Statehood Bill Jeopardized By Probes; Panel Chairman Vows Closer Look At D.C. Appropriations,” *Washington Post*, September 17, 1987, A10.

<sup>37</sup> Ibid.; Fauntroy would later openly tell people that “the poor reputation of the District government under Barry” was undercutting his work in Congress. Tom Sherwood and Linda Wheeler, “Jackson and Barry Unfurl the D.C. Statehood Flag,” *Washington Post*, September 1, 1988, J1.

<sup>38</sup> “only game in town” quote from Joe Rauh: Op-ed., Joseph Rauh, “D.C. Voting Rights: What Went Wrong?” *Washington Post*, August 25, 1985, B8.

<sup>39</sup> Minimal support from the city’s congressional allies: Sandra Evans, “D.C.’s Friends in Congress See Rough Road to Statehood,” *Washington Post*, May 20, 1985, D1; Fauntroy holds a hearing: Sandra Evans, “Barry Decries ‘Taxation Without Representation’” *Washington Post*, May 23, 1985, C8.

<sup>40</sup> Eric Pianin and Tom Sherwood, “New Strategy for Statehood Proposed: Fauntroy, Council Agree to Back Away from D.C. Constitution,” *Washington Post*, February 18, 1987, B7. The article also notes that Hilda Mason was a participant in the New Columbia constitutional convention that produced the document she agreed to shelve.

The action by Fauntroy and the city council members was not just based on a whim. In 1984, two years after the constitution was ratified, the *Washington Post* suggested that the constitution be altered so that statehood would have a better chance. Philip Schrag also supported the idea of revising the constitution Schrag, *Behind the Scenes*, 247. But both the *Post* and Schrag felt that any revisions should come from an open and democratic process. See also: Editorial, “What Would Statehood Mean?” *Washington Post*, March 12, 1987, A18.

In 1985 the *Post* reported that a task force made up of congressional and city officials proposed a more moderate statehood constitution: Sandra Evans, “Barry Decries ‘Taxation Without Representation’” *Washington Post*, May 23, 1985, C8. But, nonetheless, the revisions made in 1987 caught many local statehood advocates by surprise.

<sup>41</sup> Editorial, “What Would Statehood Mean?” *Washington Post*, March 12, 1987, A18.

<sup>42</sup> Support of Majority Leader Tom Foley (D-WA): Eric Pianin, “House Majority Leader Testifies in Favor of Statehood Measure, Foley ‘No Reason’ for Disenfranchisement,” *Washington Post*, March 18, 1987, D11; Support of Speaker of the House Jim Wright (D-TX): Eric Pianin, “Wright Endorses D.C. Statehood, Speaker’s Support Biggest Boost Yet For Bill’s Passage,” *Washington Post*, March 26, 1987, B4. The statehood bill passes the subcommittee of House District Committee on May 5, 1987: “House Panel Approves Bill on D.C. Statehood,” *Washington Post*, May 6, 1987, C4; It passed the full House District Committee June 3: Eric Pianin, “Statehood Bill Survives House Panel Votes,” *Washington Post*, June 4, 1987, D1.

Soon after the District Committee passed the statehood bill, supporters organized another symbolic tea party, 14 years after the Washington Tea Party held in support of Home Rule. This time the event was staged on the riverfront by Anacostia Park. “Tea Party for Statehood,” *Washington Post*, June 14, 1987, B4.

<sup>43</sup> Eric Pianin, “Statehood Skirmish on Capitol Hill, Jarvis Gets nowhere in Effort to Gain Support for D.C. Measure,” *Washington Post*, September 24, 1987, D4.

<sup>44</sup> The partisanship surrounding statehood proposals: Eric Pianin, “Fauntroy Renews Bid for D.C. Statehood,” *Washington Post*, January 8, 1987, D7). Markman stating that Pres. Reagan vigorously opposed statehood: Eric Pianin, “Statehood Bill Survives House Panel Vote,” *Washington Post*, June 4, 1987, D1. Stephen Markman also authored a booklet, published by the National Legal Center for the Public Interest, arguing against statehood: Stephen J. Markman, *Statehood for the District of Columbia: Is it Constitutional? Is it Wise? Is it Necessary?* (Washington, D.C.: National Legal Center for the Public Interest, 1988).

<sup>45</sup> Rep. McKinney's death in May 1987: Tom Watson, "House Panel Approves D.C. Statehood Bill," *Congressional Quarterly Weekly*, June 6, 1987, 1192; Rep. Stan Parris named ranking minority member on House District Committee: Eric Pianin, "Poll on D.C. Rights 'Yes, but...' Emphay For Representation Doesn't Extend to Statehood," *Washington Post*, May 16, 1987, B3.

<sup>46</sup> Eric Pianin, "Parris Takes the Offensive on the District, Statehood Bid Outweighed," *Washington Post*, May 21, 1987, B3.

<sup>47</sup> Fauntroy's lobbying effort not very organized: Eric Pianin, "D.C. Statehood Fauntroy's Big Loss, Colleagues Blame His Tactics for Bill's Failure," *Washington Post*, November 12, 87, C1. Local officials also became disheartened about the prospects for statehood when Congress almost overturned an early-release prison program passed by the D.C. City Council. The fact that Congress got that close to overruling the District made it clear to many city leaders and congressional allies that statehood had little to no chance of passage in such a congressional climate. Tom Sherwood, "No Vote in House This Year Deals D.C. Statehood a Blow," *Washington Post*, November 7, 1987, G1.

<sup>48</sup> Barry was eventually prosecuted on fourteen charges, including those related to this incident. Barry was charged with 14 crimes, but only convicted on one count of possession of cocaine—and not the possession that was caught on videotape. Although he was sentenced to 6 months in federal prison and given a \$5,000 fine, Barry still ran for an at-large city council seat as an independent. He lost that race.

Background on Barry's arrest: Jaffe and Sherwood, *Dream City*, 233-268.

Barry's Trial: Jaffe and Sherwood, *Dream City*, 269-292

Barry's conviction: Michael York and Tracy Thompson, "Barry Guilty on 1 Count, Cleared on 1; Mistrial Declared on 12 Other Charges; Government Faces Tough Decision Over Whether to Continue Case," *Washington Post*, August 11, 1990, A1; See also: Jaffe and Sherwood, *Dream City*, 292-294.

Barry's Sentencing: Michael York and Tracy Thompson, "Barry Sentenced to 6 Months in Prison; Judge Says Mayor Gave Aid to 'Drug Culture,'" *Washington Post*, October 27, 1990, A1; See also: Jaffe and Sherwood, *Dream City*, 300.

City Council campaign: R.H. Melton, "Candidate Barry Urges Supporters To Join 'Crusade'" *Washington Post*, September 23, 1990, D7; and, "Barry Eligible To Hold Office Despite Sentence," *Washington Post*, October 28, 1990, B4; Losing the City Council campaign: R.H. Melton, "Dixon is Elected Mayor, Barry Trounced, Norton Beats Singleton in Record Vote," *Washington Post*, November 7, 1990, A1; See also: Jaffe and Sherwood, *Dream City*, 301.

<sup>49</sup> Rainbow Coalition sets up offices in D.C.: Michael Abramowitz, "Jackson Touts D.C. Statehood as National Goal, Rainbow Coalition Gathering Told Change Would Strengthen Progressive Cause in Congress" *Washington Post*, November 18, 1989, B8.

While Jackson was well aware of the civil rights justifications for statehood, he also recognized the partisan value of D.C.'s admission into the Union. "D.C. statehood is not for D.C. only" Jackson argued, explaining that two senators elected by District residents would mean two additional "progressive" senators who could have a strong impact in Congress. "D.C. statehood is not for D.C. only": Michael Abramowitz, "Jackson Breathes New Life into Statehood Movement," *Washington Post*, November 23, 1989, J3; Two more "progressive" senators: Michael Abramowitz, "Jackson Touts D.C. Statehood as National Goal, Rainbow Coalition Gathering Told Change Would Strengthen Progressive Cause in Congress" *Washington Post*, November 18, 1989, B8.

<sup>50</sup> R.H. Melton, "Jackson Says He Won't Run for Mayor," *Washington Post*, February 27, 1990, A1.

<sup>51</sup> Nathan McCall, "Statehood Lobby Plan On Hold; D.C. Council Weighs Cost, Clarke's Plans," *Washington Post*, December 7, 1989, B1. See also: Schrag, *Behind the Scenes*, 20-21; Meyers, 39.

<sup>52</sup> Rejection in December 1989: Nathan McCall, "Statehood Lobby Plan on Hold, D.C. Council Weighs Cost, Clarke's Plans," *Washington Post*, December 7, 1989, B1. Council revisits the shadow delegation with Jesse Jackson in mind: Nathan McCall, "Statehood Lobbying Advances, D.C. Council Backs 'Shadow' Position," *Washington Post*, February 28, 1990, B1.

<sup>53</sup> Nathan McCall, "Statehood Lobbying Advances, D.C. Council Backs 'Shadow' Position," *Washington Post*, February 28, 1990, B1; See also: Nathan McCall, "D.C. Votes 'Shadow' Lobbyists, Council Clears Way for Jackson to Run for Statehood Post," *Washington Post*, March 28, 1990, A1.

<sup>54</sup> Fauntroy's interest in running for Mayor: R.H. Melton, "Jackson Says He Won't Run for Mayor," *Washington Post*, February 27, 1990, A1. At the time, Fauntroy was also facing his own federal corruption investigation: R.H. Melton, "Fauntroy Declares Revolt Over Taxes 'A Mistake,'" *Washington Post*, March 6, 1990, B1.

Fauntroy's entrance into the mayoral race also led him to abandon a large-scale protest he had begun to advocate for at the start of 1990. He had called on District residents to deposit their federal income taxes into an escrow account that would be transferred to the government once District residents had a voice in how that money was spent with voting representation in Congress: Michael Abramowitz, "Arrest Seen as Boost for Statehood," *Washington Post*, January 26, 1990, C3; On the advice of his advisors, however, Fauntroy abandoned the idea within three weeks of proposing it. Soon after, he declared his mayoral candidacy: R.H. Melton, "Fauntroy Declares Revolt Over Taxes 'A Mistake,'" *Washington Post*, March 6, 1990, B1.

<sup>55</sup> Norton enters into the Delegate race: R.H. Melton, "Norton Enters Race for Delegate, Ex-Carter Official Stresses D.C. Roots," *Washington Post*, May 6, 1990, D1; Norton wins the Sept. primary: Michael Abamowitz, "D.C. Delegate, Norton Overcomes Last-Minute Crisis to Win," *Washington Post*, Sept 12, 1990, A21. Her primary victory was made all the more impressive due to the fact that she revealed that she and her husband had not filed D.C. tax returns for the previous seven years.

<sup>56</sup> "Landslide" victory and election results: R.H. Melton, "Dixon is Elected Mayor, Barry Trounced, Norton Beats Singleton in Record Vote," *Washington Post*, November 7, 1990, A1; D.C. the largest city to have a black female mayor: Maralee Schwartz, "Women Hold Their Own in Quest for State and Congressional Posts," *Washington Post*, November 8, 1990, A46; See also: Jaffe and Sherwood, *Dream City*, 297.

Sharon Pratt Dixon later remarried and changed her name to Sharon Pratt Kelly, but then divorced and now uses the name Sharon Pratt: "In Brief" *Washington Post*, August 9, 2001, B3.

<sup>57</sup> Jackson neglecting to consult with other members of the shadow delegation: Nathan McCall, "2 Shadow Lobbyists Balk at Jackson Plan, Roles in D.C. Statehood Strategy at Issue," *Washington Post*, November 9, 1990, D4; Jackson's Statehood initiative supported by Rainbow Coalition: Kent Jenkins Jr., "Firing Up Statehood Issue, Jackson Lobbies Hard on the Hill For D.C.," *Washington Post*, May 26, 1991, C1.

<sup>58</sup> Senate Majority leader advised the shadow senators that neither would be allowed "to participate in Senate business or get access to the Senate floor during sessions." Kent Jenkins Jr., "Ground Rules Laid for District's Shadow Senators, Majority Leader Bars Jackson, Pendleton From Chamber's Business Affairs, Floor Debates," *Washington Post*, February 17, 1991, B6; Eleanor introduces statehood bill: Kent Jenkins Jr., "Del. Norton Introduces Her 1<sup>st</sup> Statehood Bill," *Washington Post*, May 31, 1991, B4.

<sup>59</sup> Kent Jenkins Jr., "Firing Up Statehood Issue, Jackson Lobbies Hard on the Hill For D.C.," *Washington Post*, May 26, 1991, C1.

<sup>60</sup> Kent Jenkins Jr., “House Panel Revisits D.C. Statehood in Talks Unlikely to Yield Action,” *Washington Post*, November 15, 1991, B3.

<sup>61</sup> Kent Jenkins Jr., “House Panel Approves D.C. Statehood Measure, Move Sets Up First Vote By the Full Body,” *Washington Post*, April 3, 1992, A1.

<sup>62</sup> Kent Jenkins Jr., “Statehood Finds New Hope, Rally, Vote in House Herald D.C.’s Cause,” *Washington Post*, March 29, 1992, B1.

<sup>63</sup> “Swap of protest for politics”: Jacqueline Trescott, “The Changing Face of D.C. Activism, City Elections, New Priorities Have Quieted Shouts of Riot Era,” *Washington Post*, April 6, 1988, A1.

<sup>64</sup> Josephine Butler was a founding member of the D.C. Statehood party and served as chair of the party for many years: Harris, *Congress and the Governance*, 230; J.Y. Smith, “Josephine Butler Dies, Statehood Party Founder,” *Washington Post*, Mar. 30, 1997, B6; and Hamil R. Harris, “City Loses A Force For Statehood” *Washington Post*, April 17, 1997, J1.

<sup>65</sup> Kent Jenkins Jr., “House Panel Approves D.C. Statehood Measure, Move Sets Up First Vote By the Full Body,” *Washington Post*, April 3, 1992, A1.

<sup>66</sup> Kent Jenkins Jr., “Statehood Proponents Rally Around Capitol, Campaign Draws Largest Crowd in Years,” *Washington Post*, April 5, 1992, B1.

<sup>67</sup> Republican opposition to granting D.C. senators: Kent Jenkins Jr., “Firing Up Statehood Issue, Jackson Lobbies Hard on the Hill for D.C.,” *Washington Post*, May 26, 1991, C1; President George H.W. Bush’s opposition: Ann Devroy and R.H. Milton “President Opposes Statehood, D.C. Dependence on U.S. Aid Miscast,” *Washington Post*, March 24, 1990, A1. In stating his opposition, President Bush mischaracterized the federal government’s economic relationship with the city. He said, “This is a federal city and in my view it should remain that. Its funds come almost exclusively from the federal government.” As the *Post* pointed out, “only 14 percent of the city’s operating budget comes from federal sources; the rest comes from local taxes and fees.”

In addition to congressional opposition, a group outside of D.C. was organized calling itself: “Citizens United Against D.C. Statehood”: Nell Henderson, “The Naysayers,” *Washington Post Magazine*, July 4, 1993, 25.

<sup>68</sup> Juan Williams. “History Lessons,” *Washington Post Magazine*, July 4, 1993, 14.

<sup>69</sup> Op-ed., Stephen B. Schwartz, “Washington, MD? It Merits Another Look,” *Washington Post*, Apr. 5, 1992, C8.

<sup>70</sup> Schrag, “Future of District of Columbia,” note number 53, pg 320; See also: Op-ed., Philip Schrag, “The Quest for Statehood, Go Back to Maryland? Legislators Say No Way,” *Washington Post*, March 11, 1990, B8.

<sup>71</sup> Rep. Moran’s proposal was quickly denounced by Eleanor Holmes Norton as a “Trojan horse”: Kent Jenkins, Jr. “D.C. Statehood Foe Moran Pushes Representation Plan,” *Washington Post*, Jun 4, 1992, A15.

<sup>72</sup> Clinton testified at a statehood hearing, as Arkansas governor and presidential hopeful, saying, “I would be in a state of permanent outrage if I governed a state whose citizens could be sent to fight and die without representation in Congress”: Kent Jenkins Jr., “Wilder, Rivals Back Statehood, Democratic Hopefuls Testify on the Hill,” *Washington Post*, November 19, 1991, E1.

<sup>73</sup> Op-ed., Jamin Raskin, “A Constitutional Path to a New Columbia,” *Washington Post*, December 16, 1992, A27.

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<sup>74</sup> The idea of giving delegates a vote in the Committee of the Whole was drafted by Eleanor Holmes Norton: Kent Jenkins Jr., “Norton Could Win Right to Vote on House Floor,” *Washington Post*, December 3, 1992, C1. House leadership changes rule to allow for votes in the Committee of the Whole: Kent Jenkins Jr., “District Wins Right to Vote on House Floor,” *Washington Post*, December 9, 1992, A1.

A number of Republicans adamantly opposed giving delegates limited voting rights and sued in Federal court to stop the proposal, but the Courts found in favor of the rule change: “Court Upholds Voting Rights of Norton, 4 Others,” *Washington Post*, January 27, 1994, B3.

<sup>75</sup> Editorial, “Thinking About Statehood,” *Washington Post*, January 13, 1993, A20. Also quoted in Meyers, *Public Opinion*, 36.

<sup>76</sup> Kent Jenkins Jr., “Kelly Drops Commuter Tax Effort, Norton Told Mayor It Was Poor Strategy,” *Washington Post*, December 6, 1992, A1.

<sup>77</sup> James Ragland, “Activists Turn Up the Heat for Statehood, Top D.C. Officials Plan to Lead Protests This Month Designed to Pressure Congress,” *Washington Post*, April 2, 1993, B3.

<sup>78</sup> Kent Jenkins Jr., “Advocates Press Clinton on Statehood,” *Washington Post*, May 5, 1993, A5.

<sup>79</sup> July protest: Kent Jenkins Jr. and Morenike Efuntade, “Statehood Protest Results in 32 Arrests, Demonstrators Block Streets Near Capitol,” *Washington Post*, July 2, 1993, C1; August Protest: Kent Jenkins Jr., “Mayor, 37 Others Arrested After Statehood Protest,” *Washington Post*, August 27, 1993, D1. The D.C. Corporation Counsel decided not to prosecute the August protestors so long as they agreed not to do similar action on city property in the future, implying that instead they “should demonstrate on federal property.” But Charles Moreland, the city’s Shadow Representative did not agree to the deal, was prosecuted, and fined \$50: Cindy Loose, “D.C. Shuns Case of Statehood Demonstrators, Move to Dismiss Charges Hailed by Supporters of the Movement,” *Washington Post*, October 20, 1993, D1; and Cindy Loose, “Lobbyist is Fined \$50 for Statehood Protest, But Moreland Vows More Such Action,” *Washington Post*, November 3, 1993, D3.

<sup>80</sup> Kent Jenkins Jr., “House Panel Supports Statehood for District, Vote Sends Bill to Floor for First Time,” *Washington Post*, November 4, 1993, C7.

<sup>81</sup> Kent Jenkins Jr., “D.C. Statehood Is Debated in the House, Taking it to the Floor Was a Victory, Nay Vote a Foregone Conclusion,” *Washington Post*, November 21, 1993, A1.

<sup>82</sup> *Ibid.*

<sup>83</sup> Final vote tally and “All but one of the House’s Republicans”: Kent Jenkins Jr., “House Turns Down Statehood Vote for D.C., Both Sides Upbeat After 277-153 Vote,” *Washington Post*, November 22, 1993, A1. The exception in the GOP vote was Rep. Wayne Gilchrest of Maryland’s Eastern Shore; 105 Democrats voting against statehood: Rene Sanchez, “After Statehood Defeat, Norton Sees Chance to Strengthen D.C. Home Rule,” *Washington Post*, November 23, 1993, E1.

<sup>84</sup> Kent Jenkins Jr., “House Turns Down Statehood Vote for D.C., Both Sides Upbeat After 277-153 Vote,” *Washington Post*, November 22, 1993, A1.

<sup>85</sup> Rene Sanchez, “After Statehood Defeat, Norton Sees Chance to Strengthen D.C. Home Rule,” *Washington Post*, November 23, 1993, E1.

<sup>86</sup> Vernon Loeb, “House Strips D.C. Delegate of Symbolic Floor Vote, District Committee Abolished In Actions Shortly After GOP Takes Control,” *Washington Post*, January 5, 1995, B1. See also: David A. Vise, “Norton Vows To Fight GOP to Keep Her Voting Rights,” *Washington Post*, November 15, 1994, B1;

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R.H. Melton, "Delegate Fights To Protect Role," *Washington Post*, Nov. 22, 1994, A1; See also: Meyers, *Public Opinion*, 37.

### Notes for Control Board and Post-Control Board: 1994 - Present

<sup>1</sup> Howard Schneider and David Vise, "Soaring Deficit May Force Hill Action," *Washington Post*, February 1, 1995, A1.

<sup>2</sup> Fauntroy, *Home Rule or House Rule*, 159.

<sup>3</sup> Howard Schneider and David Vise, "GAO Report Declares District to be Insolvent. Council Votes for 6 Percent Cut in Union Salaries," *Washington Post*, February 22, 1995, A1.

<sup>4</sup> Fauntroy, *Home Rule or House Rule*, 156. More general descriptions of the impact of residents leaving the city are detailed in: District staff, "'94: The Year the Barry Came Back, City Also Seeks Redemption," *Washington Post*, December 29, 1994, J1; David Vise and Howard Schneider, "Who's In Charge? Marion Barry and Newt Gingrich Promised a Revolution. They've Delivered A City That Still Can't Pay Its Bills. The Reasons Are as Old as Washington," *Washington Post Magazine*, December 17, 1995, W12.

<sup>5</sup> Meyers, *Public Opinion*, 42.

<sup>6</sup> David A. Vise and Howard Schneider, "District Ally on Hill Tells Clinton to Prepare For Intervention in City," *Washington Post*, February 5, 1995, B6.

<sup>7</sup> Howard Schneider, "D.C. Budget Was Balanced on Paper Only, Finance Chief Details Three Years of Decline," *Washington Post*, February 7, 1995, C1.

<sup>8</sup> Editorial, "How the Mayor Spends Your Money," *Washington Post*, February 8, 1996, A24; as cited in Meyers, *Public Opinion*, 1. In a similar vein, the *Economist* magazine commented: "Taxes are sky-high, but city services stink. The rubbish is rarely picked up. The roads are full of craters. City employees, of whom there are more per head than anywhere else in the country, are uniformly indolent": *Economist*, February 25, 1995, 24.)

For a scathing look at statistics critical of the city at this time see: Thomas Edmonds and Raymond Keating, *D.C. by the Numbers: A State of Failure* (Lanham, M.D.: University Press of America, 1995). For a profile of one of the authors, District resident Tom Edmonds, see: Marc Fisher, "Washington, On the Minus Side, A Conservative's Assessment of the City at the Bottom and His Radical Solution," *Washington Post*, January 14, 1995, C1.

<sup>9</sup> Original proponents of home rule commenting on the city's situation in 1995: Valerie Strauss, "Architects of Home Rule Saddened, Barry's News is Painful, But Response to D.C. Deficit Draws Support," *Washington Post*, February 7, 1995, C3.

Home rule as a "snake that took 20 years to squeeze life from its victim": Vise and Schneider, "Who's In Charge," W12. Colbert King, a columnist for the Post, did not feel comfortable focusing only on the structural issues. "Revisionist spinmeisters," he wrote, "would have you think that home rule 'inequities' have put the city in this tight spot. That simply is not the whole truth." He saw the Barry administration as the main problem facing the city: Op-ed., Colbert King, "Where Did D.C.'s Dream Go Wrong? This Is Like a Bad Dream," *Washington Post*, October 12, 1996, A29.

<sup>10</sup> Blaine Harden, "Congress' Move to Control City Rings Familiar," *Washington Post*, April 18, 1995, A1.

<sup>11</sup> Barry won the D.C. primary on Sept. 13, 1994: R.H. Melton, "Barry Comes Roaring Back in D.C., Support From Across City Stymies Ray, Sinks Kelly," *Washington Post*, September 14, 1994, A1; He won the general election on Nov. 8: Rene Sanchez, "Upper-Income Voters Supported Schwartz; Barry

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Acknowledges Many Remain Skeptical about his Recovery and Ability to Govern,” *Washington Post*, November 10, 1994, C12.

In the primary election Barry had little to no support among whites, but strong support among blacks. Ron Walters, “Why Barry Happened, For Many Black Voters, A Declaration of Independence,” *Washington Post*, September 18, 1994, C1; and Yolanda Woodlee and William Casey, “Barry’s Winning Shift, Rallying the Disenfranchised, Nominee Helps Redraw District’s Lines of Power,” *Washington Post*, October 10, 1994, A1.

For a detailed examination of Barry’s 4-year comeback just prior to the election see: Jaffe and Sherwood, *Dream City*, 215-323. For a brief, but general overview of Barry’s re-election in 1994 see: Meyers, *Public Opinion*, 4.

<sup>12</sup> Yolanda Woodlee, “Uncertainties Arise on Morning After GOP Triumph, Barry Can Expect Cool Reception on Capitol Hill,” *Washington Post*, November 10, 1994, C1.

Commenting on the importance of Congress’ relationship with Marion Barry in solving the fiscal crisis, Robert Johnson, CEO of the District-based Black Entertainment Television (BET), said, “Everyone agrees we have to take some desperate actions to solve the city’s financial problems. Do people have confidence the mayor will do what he says and will Congress give him support? That’s the issue. It comes down to trust”: Peter Behr, “Business Leaders Back Barry Plan, Local Coalition Says Package Can Get D.C. On Track,” *Washington Post*, February 3, 1995, F1.

<sup>13</sup> Howard Schneider and David A. Vise, “Barry Says Home Rule Government Unworkable, Urges U.S. Takeover of Courts, Prisons, Welfare,” *Washington Post*, February 3, 1995, A1.

<sup>14</sup> David A. Vise and Howard Schneider, “District Ally on Hill Tells Clinton to Prepare For Intervention In City,” *Washington Post*, February 5, 1995, B6; Columnist Steve Twomey remarked on Julian Dixon’s loss of faith in the Barry administration: Steve Twomey, “The Sorry State of the District,” *Washington Post*, February 23, 1995, B1.

<sup>15</sup> For a detailed account of the relationship between Mayor Barry, Eleanor Holmes Norton, and the Republican leadership see: Vise and Schneider, “Who’s In Charge,” W12 and W27.

<sup>16</sup> For an in-depth look at control boards imposed on other cities, see: Fauntroy, *Home Rule or House Rule*, 173-183.

<sup>17</sup> Michael Fauntroy writes that Rep. Tom Davis (R-VA), chair of the District subcommittee of the House Government Reform and Oversight Committee, acknowledged “that Norton had not played a role in initial negotiations . . . [but] claimed that Ms. Norton would be a key player and that ‘the city will be brought into the conversation at an appropriate time’”: Fauntroy, *Home Rule or House Rule*, 169; quoting from Howard Schneider and David A. Vise, “Control Board For D.C. Starts To Take Shape, Congressional Group Drafts Fiscal Takeover,” *Washington Post*, February 24, 1995, A1.

Norton said “she had not approved or discussed” the proposal reported in the Post, but that she was “committed to an oversight board that leaves self-government intact.” David A. Vise and Howard Schneider, “Control Board Plan Disturbs D.C. Officials, Union Leaders,” *Washington Post*, March 2, 1995, B1.

Some more details of the limited role District officials’ played in drafting the Control Board legislation is in: Fauntroy, *Home Rule or House Rule*, 168-169.

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<sup>18</sup> U.S. Congress, *District of Columbia Financial Responsibility and Management Assistance Act of 1995*, 104<sup>th</sup> Congress, Public Law 104-8 (H.R. 1345), April 17, 1995.

<sup>19</sup> Blaine Harden, "Congress' Move to Control City Rings Familiar," *Washington Post*, April 18, 1995, A1.

<sup>20</sup> An overview of the powers of the Control Board and stipulations of the legislation is included in: Fautroy, *Home Rule or House Rule*, 170.

<sup>21</sup> Eleanor Holmes Norton's insistence on having Board members be tied to the city: Vise and Schneider, "Who's In Charge," W27.

<sup>22</sup> An in-depth profile of Andrew Brimmer: David A. Vise, "For Brimmer, District Had One Way Out, Shift in Power Was Chairman's Choice," *Washington Post*, August 11, 1997, A1; For another mention of his credentials see: Howard Schneider and David A. Vise, "Control Board Meets – And Hears – The People," *Washington Post*, July 14, 1995, A14.

The other members of the "Brimmer Board" were Stephen Harlan, Joyce Ladner, Constance Berry Newman, and Edward Singleton: Fautroy, *Home Rule or House Rule*, 183.

<sup>23</sup> Washington Post poll: Yolanda Woodlee and Richard Morin, "D.C. Residents See a Future at Risk; Blacks, Whites Split Over Plans to Appoint Control Board, Poll Shows," *Washington Post*, March 5, 1995, A1; Also cited in: Fautroy, *Home Rule or House Rule*, 173; and Meyers, *Public Opinion*, 98. Citywide – 52 % of those polled favored the control board and 42 % opposed the idea. Among whites support was 70% and opposition 26%. Among black support was only 30% and opposition 62%.

<sup>24</sup> Prior to passage of the Control Board legislation the Post reported on some organizing against the proposal: Hamil R. Harris, "City Activists Condemn Control Board; Leaders Will Meet Tonight To Plan Strategy To Protect Home Rule," *Washington Post*, March 30, 1995, J7. In its second year, "40 protestors affiliated with the D.C. Statehood Party picketed the control board's offices": Howard Schneider and David A. Vise, "Cuts Needed to Preserve Home Rule, Barry Says; Mayor Urges Council to Support His Plan to Eliminate 10,000 Jobs," *Washington Post*, February 21, 1996, D1.

"Most D.C. citizens seemed too dispirited to protest the board's actions": Meyers, *Public Opinion*, 5.

Some residents "welcomed" the control board: Fautroy, *Home Rule or House Rule*, 173. Edward Meyers, former director of the District government's policy office, was one such Washingtonian. Looking back at the 1994 and 1995 D.C. budgets, Meyers commented soon after Congress imposed the control board that "as much as stern congressional actions are detested by local leaders, these budgets produced a clear example to Congress of how external oversight was warranted." Meyers did not have much confidence that the city, "without congressional intervention, would have had the courage to confront the depths of its financial crisis": Meyers, *Public Opinion*, 31.

<sup>25</sup> The Control Board cut 5,600 jobs from the city's payroll: Howard Schneider and David A. Vise, "Control Board Meets – And Hears – The People," *Washington Post*, July 14, 1995, A14; Firing the superintendent of schools and replacing the elected school board with an appointed board: David A. Vise, "D.C. Control Board Takes Charge of Public Schools," *Washington Post*, November 16, 1996, A1.

<sup>26</sup> David A. Vise, "For Brimmer, District Had One Way Out, Shift in Power Was Chairman's Choice," *Washington Post*, August 11, 1997, A1.

Congress shared Brimmer's frustration and saw Barry as the main obstacle to change : David A. Vise, "Barry Calls on Norton to Resist Move to City Manager Form of Government; Congressional Plan Decried as Linking U.S. Aid to Diminished Home Rule," *Washington Post*, July 18, 1997, C5; and Michael Powell, "D.C. Rescue Agreement Strips Barry's Power; District's Home Rule Would be Curtailed in Bid to Improve

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City,” *Washington Post*, July 31, 1997, A1. Right after the 1997 plan that strengthened the Control Board passed Congress, the Post reported that the “action has been interpreted as punishment for Barry, who has been reluctant to cut jobs to balance the city’s budget”: Linda Wheeler and Avis Thomas-Lester, “Rescue Plan Protest: ‘We Will Take Our City Back’; Norton Chastised at Capitol Hill Rally That Residents, Activists Say Is Just a Beginning,” *Washington Post*, Aug. 2, 1997, A6.

<sup>27</sup> Architects of the bill: David A. Vise, “D.C. Rescue Agreement Strips Barry’s Power; White House, Hill Leaders Settle on Plan That Puts Control Board in Charge of Most of City Government,” and Michael Powell, “D.C. Rescue Agreement Strips Barry’s Power: District’s Home Rule Would be Curtailed in Bid to Improve City,” both on same page in *Washington Post*, July 31, 1997, A1. See also: Steve Twomey, “The Price of D.C.’s Salvation,” *Washington Post*, July 31, 1997, D1.

The *National Capital Revitalization and Self-Government Improvement Act of 1997*, 105<sup>th</sup> Congress, is Title XI of Public Law 105-33 (H.R. 2015) which is the *Balanced Budget Act of 1997*, passed Aug. 5, 1997.

<sup>28</sup> Description of the National Capital Revitalization and Self-Government Improvement Act of 1997: David A. Vise, “D.C. Rescue Agreement Strips Barry’s Power; White House, Hill Leaders Settle on Plan That Puts Control Board in Charge of Most of City Government,” *Washington Post*, July 31, 97, A1; A chart showing the growth of the liability from 1980-1997 is included in: Fauntroy, *Home Rule or House Rule*, 158.

<sup>29</sup> For tables which chart the figures of the federal payment since home rule see: Fauntroy, *Home Rule or House Rule*, 153; and Harris, *Congress and the Governance*, 144.

<sup>30</sup> Fauntroy, *Home Rule or House Rule*, 188.

<sup>31</sup> David A. Vise, “D.C. Rescue Agreement Strips Barry’s Power; White House, Hill Leaders Settle on Plan That Puts Control Board in Charge of Most of City Government,” *Washington Post*, July 31, 1997, A1; and Vernon Loeb, “Barry Vows Cooperation on Reforms; Conciliatory Comments Follow Days of Fiery Talk,” *Washington Post*, August 13, 1997, B1.

<sup>32</sup> David A. Vise, “D.C. Rescue Agreement Strips Barry’s Power; White House, Hill Leaders Settle on Plan That Puts Control Board in Charge of Most of City Government,” *Washington Post*, July 31, 1997, A1; Rep. Davis later claimed in an op-ed that the 1997 restructuring was not about Marin Barry. Instead, he wrote, the “transfer of certain authority to the control board is temporary; it is a ‘tough love’ measure designed to change the operational culture of the city’s work force to one of excellence and efficiency.” Op-ed., Thomas M. Davis III, “Congressional Tough Love; Why the D.C. Reforms Will Nurture a New City,” *Washington Post*, August 3, 1997, C4.

<sup>33</sup> David A. Vise, “Barry Calls on Norton to Resist Move to City Manager Form of Government; Congressional Plan Decried as Linking U.S. Aid to Diminished Home Rule,” *Washington Post*, July 18, 1997, C5.

<sup>34</sup> David A. Vise, “D.C. Rescue Agreement Strips Barry’s Power; White House, Hill Leaders Settle on Plan That Puts Control Board in Charge of Most of City Government,” *Washington Post*, July 31, 1997, A1.

<sup>35</sup> The day after news of the restructuring reach residents, dozens of people protested on Capitol Hill, criticizing the bill and Norton’s support of it: Linda Wheeler and Avis Thomas-Lester, “Rescue Plan Protest: ‘We Will Take Our City Back’; Norton Chastised at Capitol Hill Rally That Residents, Activists Say is Just Beginning,” *Washington Post*, August 2, 1997, A6); Norton quickly backpedals: David A. Vise, “D.C. Delegate Now Decries Rescue Plan; Norton Call Deal ‘Too High A Price,’” *Washington Post*, Post, August 5, 1997, A1; see also Michael Powell and Hamil R. Harris, “Norton’s Exercise in Flexibility,” *Washington Post*, August 7, 1997, J1. Some commentators suggested that her support and then subsequent disapproval of the bill was political cover for having taken a unpopular position: Michael Powell and Hamil R. Harris,

“Norton’s Exercise in Flexibility,” *Washington Post*, August 7, 1997, J1; and Hamil R. Harris, “D.C. Marchers Protest Curbs on Home Rule,” *Washington Post*, September 4, 1997, B3.

In an op-ed to the Post, Pat Eaton, a senior social science analyst and teacher at Woodrow Wilson Senior High School, criticized Barry for saying the District had been ‘raped’ and told Eleanor Holmes Norton that there was no need to be apologetic for supporting the 1997 plan. Op-ed., Patricia F. Eaton, “Shame and Blame; Get A Grip, Eleanor: Your Stand On Home Rule Was Right the First Time,” *Washington Post*, August 17, 1997, C1.

<sup>36</sup> Maintaining some independence while increasing the District’s dependency on the federal government: Op-ed., Bill Rice, “Let Washington Be Washington; Beyond the Statehood Rhetoric Lives a City – No Less and No More,” *Washington Post*, November 27, 1994, C2.

<sup>37</sup> Steve Twomey, “The Price of D.C.’s Salvation,” *Washington Post*, July 31, 1997, D1.

<sup>38</sup> David A. Vise, “Brimmer Takes Reins in Transfer of Power; Barry Told Not to Act Without Clearance,” *Washington Post*, August 6, 1997, A1.

<sup>39</sup> Linda Wheeler, “13 Arrested in Protest at White House; 300 Vent Anger Over Curbs on Home Rule,” *Washington Post*, August 5, 1997, A6. For a story about planning the protests see: Linda Wheeler and Avis Thomas-Lester, “Rescue Plan Protest: ‘We Will Take Our City Back’; Norton Chastised at Capitol Hill Rally That Residents, Activists Say Is Just a Beginning,” *Washington Post*, August 2, 1997, A6.

<sup>40</sup> In the reporting of the protest at this meeting, the *Post* reported, “As the protestors shouted racial slurs and chanted freedom slogans, control board member Joyce A. Ladner, a civil rights activist born in Mississippi, reflected on the irony of her situation. ‘I’ve been out there before,’ she said. ‘This doesn’t bother me. I’m not a Tom. I understand it, I don’t take it personally, and I’m not afraid of this. They have to do what they have to do, and I have to do what I have to do’”: David A. Vise, “Brimmer Takes Reins in Transfer of Power; Barry Told Not to Act Without Clearance,” *Washington Post*, August 6, 1997, A1. See also: Hamil R. Harris, “Home Rule Activists Disrupt Control Board Meeting,” *Washington Post*, August 6, 1997, A6.

Mark Thompson is quoted as one of the organizers of the protests at that meeting and the group that grew out of the organizing of these protests was the Stand up for Democracy Coalition: David A. Vise, “Clinton’s Aid to District Wins Him Little But Scorn; City’s Leaders Push President to Do Even More,” *Washington Post*, December 14, 1997, B1. Their website is: <http://www.standupfordemocracy.org>.

<sup>41</sup> Protestor claims that it’s a building of a movement: Hamil R. Harris, “D.C. Marchers Protest Curbs on Home Rule,” *Washington Post*, September 4, 1997, B3; “Long on outrage and short on numbers”: Michael Powell and Hamil R. Harris, “Norton’s Exercise in Flexibility,” *Washington Post*, August 7, 1997, J1.

<sup>42</sup> District church and civic leaders having a difficult time bringing out the masses for protest: Hamil R. Harris, “Home Rule Activists Disrupt Control Board Meeting,” *Washington Post*, August 6, 1997, A6; The “hoped-for crowd of ‘tens of thousands’” did not come: Linda Wheeler, “13 Arrested in Protest at White House; 300 Vent Anger Over Curbs on Home Rule,” *Washington Post*, August 5, 1997, A6.

<sup>43</sup> “Jesse Jackson is nowhere to be seen”: Howard Schneider, “Statehood Bandwagon Running Out of Steam,” *Washington Post*, January 9, 1995, D1; Jackson leaves D.C. to focus attention on his organization in Chicago: Kevin Merida, “Jesse Jackson to Return to Helm of Chicago-based Operation Push,” *Washington Post*, December 2, 1995, A11; “Unless we change the Congress, we don’t stand a reasonable chance of getting statehood . . . You cannot change it from within D.C.”: Hamil R. Harris and Vanessa Williams, “Big Send-Off for Jesse Jackson,” *Washington Post*, October 10, 1996, J1.

<sup>44</sup> Petition to the OAS: Cindy Loose, “Statehood Proponents Detail Strategy,” *Washington Post*, April 4, 1994, D3; and D. Richard de Silva, “Statehood Allies Close Arguments; Appeal to OAS Aimed at

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International Arena,” *Washington Post*, July 19, 1994, D4. Petition to the UN Committee on Human Rights: Hamil R. Harris and Howard Schneider, “Pro-Statehood Goes Global,” *Washington Post*, May 18, 1995, J1. For a timeline of international action by Timothy Cooper see: <http://www.world-rights.org/> or <http://www.dcvote.org/trellis/acting/chronologyofmajoreventsintheinternational.cfm>.

<sup>45</sup> Inter-American Commission on Human Rights, Organization of American States (OAS), *Statehood Solidarity Committee v. United States*, Report No 98/03, Case 11.204, December 29, 2003. Report online at: <http://www.cidh.oas.org/annualrep/2003eng/USA.11204.htm>.

<sup>46</sup> Organization for Security and Co-Operation in Europe Parliamentary Assembly (OSCE PA), *Washington, D.C. Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the Fourteenth Annual Session*, Washington, D.C., July 2005, page 8, point 58. Online at: <http://www.oscepa.org/admin/getbinary.asp?FileID=1069>

<sup>47</sup> In 1996, after imposition of the Control Board, Mirel wrote an op-ed in the *Post* making the case for retrocession: Op-ed., Lawrence Mirel, “Farewell D.C., Welcome to the Free State; If Washington Joined Maryland, Everyone Would Come Out Ahead,” *Washington Post*, February 25, 1996, C1; Another piece three years later: Op-ed., Lawrence Mirel, “Restoration Project; Give D.C. The Vote It Once Had,” *Washington Post*, March 21, 1999, B1.

The Committee for the Capital City’s website is: <http://www.washingtonmd.org>.

Before the Control Board, retrocession was discussed as an option a number of times see, for example: Bob Levey, “An Alternative to D.C. Statehood: II,” *Washington Post*, January 12, 1994, E18; and Howard Schneider and Nell Henderson, “District’s Home Rule In Question; City’s Budget Woes Prompt Reassessment,” *Washington Post*, November 13, 1994, B1.

<sup>48</sup> An early look at the idea of no federal taxation in the District: Howard Schneider and Nell Henderson, “District’s Home Rule In Question; City’s Budget Woes Prompt Reassessment,” *Washington Post*, November 13, 1994, B1; Stephen Trachtenberg wrote an op-ed in support of the idea: Stephen Joel Trachtenberg, “Rebirth; Tax Free D.C.? Become a Commonwealth,” *Washington Post*, December 4, 1994, C1; Tom Edmonds, the author of *D.C. by the Numbers: A State of Failure*, also embraced the idea: Marc Fisher, “Washington, On the Minus Side, A Conservative’s Assessment of the City at the Bottom and His Radical Solution,” *Washington Post*, January 14, 1995, C1. For more on the details of how the arrangement might work see: Albert B. Crenshaw, “These Ideas Take D.C. Into New Tax Territory; Federal Exemption, Puerto Rico’s Status Are Among Proposals to Solve City’s Woes,” *Washington Post*, February 20, 1995, F5.

“Hong Kong on the Potomac”: Vise and Schneider, “Who’s In Charge,” W27; and Linda Wheeler, “13 Arrested in Protest at White House; 300 Vent Anger Over Curbs on Home Rule,” *Washington Post*, August 5, 1997, A6.

Bill introduced by Eleanor Holmes Norton in Jan. 1995: *District of Columbia Federal Tax Equity Act*, H.R. 748, 104th Congress. Mentioned in: Michael A. Fletcher and Hamil R. Harriss, “New Angle on Statehood,” *Washington Post*, February 2, 1995, J1.

<sup>49</sup> Raskin’s op-ed: “Let’s Sue Congress: Hear Ye, Hear Ye; The Legal Precedents for Enforcing Our Rights,” *Washington Post*, September 22, 1996, C3; Raskin’s piece was published alongside an op-ed from Brian Kelley, the editor of the Outlook section of the *Post*, who argued that a court case is necessary because District residents have a legitimate grievance, the judicial branch could provide the political cover necessary for sympathetic Republicans and recalcitrant Democrats, and, perhaps most importantly, he felt it “may be the only option left”: “Let’s Sue Congress; For Neglected D.C. Citizens, Court is the Last Resort,” *Washington Post*, September 22, 1996, C1.

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<sup>50</sup> In February or March of 1998, Raskin begins circulating his law review article and it draws the interest of the lawyers at the City Council and the firm Covington and Burling: Op-ed., Steve Twomey, “Oh, Say Can’t They See the Inequity for D.C.,” *Washington Post*, March 9, 1998, C1; and Peter Slevin, “District Trying a New Tactic to Win Voting Rights,” *Washington Post*, June 28, 1998, B1.

The law review article itself was published later that year: Jamin Raskin, “Is this America? The District of Columbia and the Right to Vote,” *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 34, No. 1 (Winter 1999): 39-97.

<sup>51</sup> In May 1998, the Arca Foundation paid for key District leaders and lawyers to hold a retreat in Georgia in order to lay the groundwork for the lawsuit: Peter Slevin, “District Trying a New Tactic to Win Voting Rights,” *Washington Post*, June 28, 1998, B1; Peter Slevin, “Working for the Vote; D.C. Petitions for Say in Congress,” *Washington Post*, July 3, 1998, B1.

<sup>52</sup> The lawsuit is submitted to the U.S. District Court for the District of Columbia on Sept. 14, 1998: Peter Slevin, “Suit Challenge’s D.C.’s Lack of Vote in Congress,” *Washington Post*, September 15, 1998, B4.

<sup>53</sup> “Groups Sues for Voting Rights, Home Rule,” *Washington Post*, July 1, 1998, B3; *Adams v. Clinton* was submitted to the courts on June 30, 1998, earlier than *Alexander v. Daley*: *Adams v. Clinton*. 90 F. Supp. 2d 35. (D.D.C. 2000), Majority Opinion, 2. (See bibliography for full citation.)

<sup>54</sup> Original Complaint in *Adams v. Clinton*, Paragraph 90. Accessed at: <http://www.dccitizensfordemocracy.org/complaint.htm>. Also cited in: Majority Opinion, page 2.

<sup>55</sup> *Adams v. Clinton*, Majority Decision, 3.

<sup>56</sup> Support for the lawsuit from the City Council and Mayor: Peter Slevin, “District Trying a New Tactic to Win Voting Rights,” *Washington Post*, June 28, 1998, B1; and Peter Slevin, “Working for the Vote; D.C. Petitions for Say in Congress,” *Washington Post*, July 3, 1998, B1; Norton’s op-ed: “On the Way to Full Voting Rights,” *Washington Post*, July 16, 1998, A17.

<sup>57</sup> *District of Columbia Appropriations Act 1999*, General Provisions, Section 151. Part of the *Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999*, 105<sup>th</sup> Congress, Public Law 105–277 (112 Stat. 268; H.R. 4328) October 21, 1998.

Debate over this rider occurred on the floor of the House on August 6, 1998 and is included in: *Congressional Record*, Vol. 144, August, 6, 1998, pp. H7359-H7362.

<sup>58</sup> Ferren attempted to fight the rider in court, but did not succeed. See: Peter Slevin, “For District, Still More Roadblocks; Congress Battles Voting Rights Suit,” *Washington Post*, November 27, 1998, A21; Eric Lipton and Yolanda Woodlee, “District Politics: An All-Too-Familiar Debate – and an All-Too-Familiar Conclusion,” *Washington Post*, August 5, 1999, J1; and Bill Miller, “Judges Rule D.C. Lacks Right to Vote in Congress; Panel Says Political Process is the Way to Fix Inequity,” *Washington Post*, March 21, 2000, B1.

<sup>59</sup> Washington Post poll: Vernon Loeb and Richard Morin, “Survey Shows Barry Ahead of the Pack, But Most Residents Polled Don’t Want Mayor to Run Again,” *Washington Post*, May 19, 1998, A1.

<sup>60</sup> Barry announces he won’t run for reelection: Vernon Loeb and Yolanda Woodlee, “Barry Says He Won’t Seek Another Term,” *Washington Post*, May 22, 1998, A1. A few days after the announcement, the Post ran an article examining what led Barry to make his decision: David A. Vise and Hamil R. Harris, “Praying, Wavering Toward a Decision; Inner Circle Urged Barry Not to Run; Inner Circle’s Prayers and Advice Helped Barry Decide Not to Run,” *Washington Post*, May 24, 1998, A1.

<sup>61</sup> “Harvard-trained, bow-tied technocrat”: Michael H. Cottman and Yolanda Woodlee, “Williams Wins Big in D.C. Mayor’s Race; Democrat Proclaims a ‘New Era’ for City,” *Washington Post*, November 4, 1998, A1. Citizens effort to draft Williams to run: Yolanda Woodlee, “Residents Push For Mayoral Bid By Williams; Group Dissatisfied With Candidates,” *Washington Post*, May 15, 1998, B7; A brief profile of Williams after his decision to run: David A. Vise, “Financial Officer to Run for D.C. Mayor; Move by Williams Shakes up Race,” *Washington Post*, May 31, 1998, A1.

<sup>62</sup> In his position as Chief Financial Officer, Williams was directly responsible for moving the District out of insolvency. In February 1998, he announced the city’s first budget surplus under the Control Board: Vernon Loeb, “Forward Into the Past; D.C. Residents Wanted Home Rule Because They Wanted a Government That Could Answer the Phones. Those Two Desires Are Converging Again,” *Washington Post Magazine*, May 24, 1998, W12.

A poll in May of 1998 showed that District residents, while still not confident in the government, were increasingly optimistic that the city was going to improve. Williams, as a fresh face in city politics, was able to use this to his advantage: Vernon Loeb and Claudia Deane, “Ire Over Control Board Bridges a Gap; Opposition to Group as Permanent Panel Cuts Across Racial Divide, Survey Finds,” *Washington Post*, May 28, 1998, D1; Williams wins primary election: Michael Powell and Michael H. Cottman, “Williams Wins Mayoral Primary; District’s Ex-Finance Chief Trounces Democratic Field,” *Washington Post*, September 16, 1998, A1.

General Election results: Michael H. Cottman and Yolanda Woodlee, “Williams Wins Big in D.C. Mayor’s Race; Democrat Proclaims a ‘New Era’ for City,” *Washington Post*, November 4, 1998, A1. See also the D.C. Board of Elections and Ethics, Official Returns: [http://www.dcboee.org/information/elec\\_1998/general\\_election.shtml](http://www.dcboee.org/information/elec_1998/general_election.shtml)

<sup>63</sup> Rivlin assumes chairmanship of Control Board: David Vise, “Rivlin Wants More Home Rule Control Board Chief Promises Less Micro-Management of D.C.,” *Washington Post*, September 11, 1998, B1.

The new Rivlin Board included: Constance Berry Newman, Eugene Kinlow, Robert Watkins, and Darius Mans. Fauntroy, *Home Rule or House Rule*, 183.

<sup>64</sup> “An unelected control board can be justified only as a temporary response to crisis and a transition to democratic process”: David A. Vise, “President Wants Rivlin to Head Control Board Sources Say Fed Official is Weighing the Job,” *Washington Post*, May 7, 1998, A1.

City activists perceive that Rivlin has a “desire to work herself out of a job”: David A. Vise, “Support For Rivlin Widespread In D.C.,” *Washington Post*, May 8, 1998, B1.

See also: David A. Vise, “Rivlin Vows to Work for D.C. Home Rule Control Board; Swearing-In Brings Praise,” *Washington Post*, June 20, 1998, B1.

In another signal of the shift in District politics, the 1998 election brought into office the first majority-white city council for a city that was 63% black. Hamil R. Harris and Yolanda Woodlee, “Council Could Become Majority-White; Primary Results Create Possibility, Riling Barry and Causing Debate,” *Washington Post*, September 17, 1998, B1; and Michael H. Cottman and Yolanda Woodlee, “Williams Wins Big in D.C. Mayor’s Race; Democrat Proclaims a ‘New Era’ for City,” *Washington Post*, November 4, 1998, A1.

<sup>65</sup> *Adams v. Clinton*, Majority Decision, 68; See also: Bill Miller, “Judges Rule D.C. Lacks Right to Vote in Congress; Panel Says Political Process Is the Way to Fix ‘Inequity,’” *Washington Post*, March 21, 2000, B1; and David Montgomery and Cindy Loose, “Ruling Dashes District’s Hopes; Activists Distressed,” *Washington Post*, March 21, 2000, B5; and Op-ed., Tom Davis, “A Look At: D.C. Voting Rights; Congress Should Rectify This Wrong,” *Washington Post*, April 9, 2000, B3.

The Supreme Court affirmed the judgment of the District Court on Oct. 16, 2000: 531 U.S. 941; See also: Bill Miller, "D.C. Loses Bid for Vote in Congress," *Washington Post*, October, 17, 2000, A1; A petition to the Supreme Court to rehear the case was denied on Dec. 4, 2000: 531 U.S. 1045.

<sup>66</sup> Majority Decision, Page 67. Also quoted in: Bill Miller, "Judges Rule D.C. Lacks Right to Vote in Congress; Panel Says Political Process Is the Way to Fix 'Inequity,'" *Washington Post*, March 21, 2000, B1.

<sup>67</sup> The license plate idea came from District resident Sarah Shapiro: Patrice Gaines, "D.C. Mayor Touts Tags with Motto for Rights; License Plate Reflects Frustration," *Washington Post*, June 13, 2000, A12; The City Council began considering the change soon after the Supreme Court upheld the District Court's decision: Vanessa Williams and David Montgomery, "D.C. Council Ready to Back Revolutionary License Plates; Proposal Aims to Publicize City's Lack of Voting Rights," *Washington Post*, May 4, 2000, B1.

Mayor Williams agreed to enact the change as an executive order, which would mean that Congress would not automatically review the legislation, but instead would have to proactively seek to stop the enactment of the law if it so desired: Patrice Gaines, "D.C. Mayor Touts Tags with Motto for Rights; License Plate Reflects Frustration," *Washington Post*, June 13, 2000, A12; and Carol Leonnig and Stephen C. Fehr, "D.C. Council Tries Tactic to Adopt New Plates; 'Representation' Motto May Bypass Congress," *Washington Post*, June 27, 2000, B1.

Mayor Williams signs the executive order in mid-August: David Montgomery, "Mayor Signs Order for D.C. Democracy Plates," *Washington Post*, August 17, 2000, B3. The license plates are released on November 4, 2000: Sewell Chan, "Message Gets Rolling; D.C. Government Enlists Residents' Vehicles in Campaign for Congressional Representation," *Washington Post*, November 5, 2000, C1.

<sup>68</sup> License plates put on by Clinton: Robert E. Pierre, "Clinton's Bumper Politics; Presidential Limo to Get D.C. Statehood Tags," *Washington Post*, December 22, 2000, A1. Plates removed by Bush: "Bush to Remove 'Taxation' Plates," *Washington Post*, January 19, 2001, A19; and Robert E. Pierre, "Bush Will Not Keep 'Taxation' Car Tags; D.C. Leaders Low-Key in Their Reaction," *Washington Post*, January 20, 2001, B4.

Changing the license plates also led to discussion of changing the District flag – but that proposal was never enacted: Michael Vasquez, "Plan to Alter Symbol Raises Some Red Flags," *Washington Post*, July 22, 2002, B1.

<sup>69</sup> The Post noted the resurgence of activity and reported on the variety of grassroots organizations: Spencer S. Hsu, "D.C. Activists Join to Demand Congressional Voting Rights," *Washington Post*, April 19, 2001, T12.

<sup>70</sup> Group charged with "disruption of Congress": Op-ed., Karen Szulgit, "D.C.'s Leaders Should Stand Up for Democracy," *Washington Post*, October 15, 2000, B8; "D.C. Democracy Seven" acquitted: Sewell Chan and Hamil R. Harris, "Former Mayor Pratt Replays Statehood Protest," *Washington Post*, April 5, 2001, T2.

Recently merged Statehood Green Party: "Metro In Brief," *Washington Post*, November 2, 1999, B3. See also: Sewell Chan, "Party Struggles to Win Seats at District's Table; Statehood Greens Fight for Recognition," *Washington Post*, Oct. 30, 2000, B4.

Statehood Green Party website: <http://www.dcstatehoodgreen.org>

Stand Up for Democracy website: <http://www.standupfordemocracy.org>

<sup>71</sup> D.C. RABBLE: Marc Fisher, "Obedient Citizens Give Jury Boycott a Sheepish Look," *Washington Post*, June 30, 2001, B1.

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<sup>72</sup> Barbara Lett-Simmons casts a blank ballot in the Electoral College: Robert E. Pierre and Yolanda Woodlee, “Elector’s Statehood Protest Plays to Cheers,” *Washington Post*, December 21, 2000, T2.

<sup>73</sup> DC Vote founded to do public relations for *Alexander v. Daley*: Interview with Daniel Solomon, founding member and former chair of the board of DC Vote, July 12, 2005, conducted in Washington, D.C. See also: Sewell Chan, “Message Gets Rolling; D.C. Government Enlists Residents’ Vehicles in Campaign for Congressional Representation,” *Washington Post*, November 5, 2000, C1.

<sup>74</sup> D.C. Freedom Summer: Perry Bacon Jr., “Voting Rights Supporters Target Tourists; D.C. Activists Are Asking Summer Visitors to Contact Their Members of Congress,” *Washington Post*, June 21, 2001, B2; and Serge F. Kovaleski, “Surprise Stop for Tourists on Mall; Voting Rights Pitch Gets Mixed Review,” *Washington Post*, July 8, 2001, C1.

Another event that DC Vote sponsored two years in a row was the Bonfire of the 1040’s – a protest on Capitol Hill where District residents symbolically or actually burned their tax forms in protest of having no vote in deciding how those taxes would be spent: Spencer S. Hsu, “D.C. Activists Join to Demand Congressional Voting Rights,” *Washington Post*, April 19, 2001, T12; and Marc Fisher, “Trying to Right the Wrong Done to People of D.C.,” *Washington Post*, April 16, 2002, B1.

<sup>75</sup> The final meeting of the Control Board was September 30, 2001: Spencer S. Hsu, “D.C. Gay Partners Benefit Advances; Like House, Senate Panel Drops Ban; Aides Say GOP Leaders May Block Budget,” *Washington Post*, October 12, 2001, B3. See also: Sewell Chan, “Windfall, Shortfall At Last Meeting of D.C. Control Board Panel Will Relinquish Authority Sunday,” *Washington Post*, September 27, 2001, B2.

It is important to note that while the Control Board suspended its oversight, it can return if the District ever loses its financial footing. See: U.S. Congress, Public Law 104-8, Section 107(b). (Full Citation at note 18)

<sup>76</sup> Anthrax scares in the District following Sept. 11<sup>th</sup> attack: Dan Eggen and Susan Schmidt, “FBI Discovers Fourth Letter With Anthrax; Envelope Addressed to Sen. Leahy,” *Washington Post*, November 18, 2001, A1.

<sup>77</sup> Congress approves first post-Control Board budget: Spencer S. Hsu, “D.C. Home Rule Budget Approved; \$5.3 Billion Plan Includes Domestic Partner Provision,” *Washington Post*, December 5, 2001, A1.

<sup>78</sup> Hearing in Senate, May 23, 2002: Spencer S. Hsu, “D.C. Argues on Hill for a Vote in Congress; Senate Panel Hears Appeals from City Leaders, Activists,” *Washington Post*, May 24, 2002, B4. The Senate Governmental Affairs Committee reported Lieberman’s bill out of committee on a 9-0 party-line vote: Spencer S. Hsu, “Senate Panel Votes to Give D.C. Full Voting Rights in Congress,” *Washington Post*, October 10, 2002, B1. The bill was the *No Taxation Without Representation Act of 2002*, 107th Congress, S. 3054.

The House Government Reform subcommittee on the District had its hearing on July 19, 2002: Alia Ibrahim, “District Voting Rights Focus on Hill Hearing,” *Washington Post*, July 20, 2002, B7.

### Notes for D.C.’s Current Economic and Political Context

<sup>1</sup> District of Columbia (Mayor), “Issues and Approaches for Addressing the District of Columbia Structural Imbalance Between Public Service Needs and Public Financing Resources,” Report to the Senate Committee on Appropriations, May 5, 2004, 3. Accessed online at: <http://www.dcvote.org/pdfs/awreportsen04.pdf>.

<sup>2</sup> *Congressional Record*, Vol. 151, No. 90, June 30, 2005, Pg. H5502.

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<sup>3</sup> “While the District represents just 10 percent of the population of the Washington metro areas, it accounts for roughly 60 percent of the metro area’s homeless population. In 2002, some two-thirds of metro area families receiving TANF assistance were DC residents”: Ed Lazere and David Garrison, *A New Federal Contribution to the District of Columbia: The Need, Likely Impact, and Some Options* (Joint Publication of the DC Fiscal Policy Institute and the Brookings Institution, November 2005), 6. Accessed online at: [http://www.brookings.edu/metro/gwrp/20051116\\_dcinfrastructure.htm](http://www.brookings.edu/metro/gwrp/20051116_dcinfrastructure.htm).

In a 2003 report on the District’s structural imbalance the General Accounting Office noted that D.C. faces “high cost circumstances, largely beyond its control” including a “large low-income population” a “relatively young population,” “high crime rates,” and “dense living conditions”: U.S. General Accounting Office (GAO), *District of Columbia: Structural Imbalance and Management Issues*, Report Number GAO-03-666 (Washington, D.C.: May 2003), 11.

Edward Meyers discusses the economic challenges the District faces as an urban center, without state authority, in a metropolitan area: “The District manages most of the social problems of the region without sharing in the region’s resources”: Meyers, *Public Opinion*, 47-52.

<sup>4</sup> D.C., “Issues and Approaches,” 3. Emphasis in original. Accessed online at: <http://www.dcvote.org/pdfs/awreportsen04.pdf>

<sup>5</sup> Ed Lazere and David Garrison wrote in 2005 that the “progress in recent eras has been built largely on the back of a tremendously strong real estate market, which is not guaranteed to continue.” They also note that income tax collections fell between 2002 and 2003. “This suggests that the District’s healthy finances in recent years are not necessarily an indication of long-term fiscal health”: Lazere and Garrison, *New Federal Contribution*, 7.

Three years earlier, a year after the end of the Control Board, Carol O’Cleireacain and Alice Rivlin wrote that “despite these [economic] accomplishments, the future remains uncertain . . . The District’s longer-term fiscal future is worrisome”: Carol O’Cleireacain and Alice M. Rivlin, *A Sound Fiscal Footing for the Nation’s Capital: A Federal Responsibility* (Brookings Institution Greater Washington Research Program: October 2002), 14. Accessed online at: <http://www.brookings.edu/es/urban/gwrp/DCgovernance.htm>.

<sup>6</sup> GAO, 3.

<sup>7</sup> GAO, 8.

<sup>8</sup> GAO, 8 and 12; The nominal amount of the structural deficit in 2006 would be larger than this because of inflation. For instance, adjusted into 2003 dollars, the GAO’s range for the structural deficit would be \$504 million -1.2 billion: D.C., “Issues and Approaches,” 3.

<sup>9</sup> Lazere and Garrison, *New Federal Contribution*, 2 and 4-5.

<sup>10</sup> GAO, 8.

<sup>11</sup> O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 8.

<sup>12</sup> Estimate of \$500 million: O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 9; Estimate of 1.2 billion per year: Lazere and Garrison, *New Federal Contribution*, pg. 12, table 2.

<sup>13</sup> O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 8-12; and Lazere and Garrison, *New Federal Contribution*, 11.

<sup>14</sup> GAO, 68. See also note 16 below.

<sup>15</sup> O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 6.

<sup>16</sup> O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 3. The GAO attempted to conduct a more in-depth analysis of the costs of the federal presence, but could not find enough “reliable financial information” to verify the city’s estimates. They do, however, study the issue and conclude that the federal government, while at times helping pay for the costs of its presence, constitutes both an economic boon but also a burden for the city: GAO, 63-70.

<sup>17</sup> O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 3.

<sup>18</sup> Carol O’Cleireacain, *The Orphaned Capital: Adopting the Right Revenues for the District of Columbia* (Washington, D.C.: Brookings Institution Press, 1997), 57. Table with property tax figures from 1995: pg. 58.

The amount of tax-exempt land in the District far exceeds that of comparable cities. Conducting that comparison, McKinsey & Co. studied the cost not of the property tax exemption alone, but the “cost associated with D.C.’s higher-than-average level of federal tax-exempt property” and came up with an estimate that the District’s tax exemptions cost the city \$100-200 million more than the average city, with the higher figure taking into account not just the added burden on city services, but also the foregone property tax revenue:

McKinsey & Co, *Assessing the District of Columbia’s Financial Position: A Report to the Federal City Council*, March 14, 2002 (Amended April 19, 2002), 15. Accessed online at: <http://www.economicclub.org/Pages/archive/McKinsey.htm>

<sup>19</sup> O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 4. The GAO discussed tax exempt property in the District but does not try to estimate it: GAO, 46-48.

<sup>20</sup> O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 3.

<sup>21</sup> The cost of the building height limit to the District is discussed in: GAO, 48.

<sup>22</sup> *District of Columbia Self-Government and Governmental Reorganization Act*, Public Law 93-198, 93<sup>rd</sup> Congress, Title VI, Sec. 602(a)(5); as cited in: GAO, 43.

The home rule act restriction on taxing non-resident income also appears in: S. 1435, 93<sup>rd</sup> Congress, 87 Stat. 774 and *D.C. Official Code* Section 1-206.02(a)(5) (2001).

An online version of the Home Rule Act, as amended through Nov. 19, 1997, is available online at: <http://www.abfa.com/ogc/hrtall.htm>.

<sup>23</sup> Raising taxes in unadvisable. See: O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 16 and GAO, 15.

<sup>24</sup> Cutting spending: GAO, 15; See also: O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 18.

<sup>25</sup> The McKinsey & Co. report from 2002 estimates that the city could save \$110-160 million annually through management efficiency: McKinsey & Co., *Assessing the District*, 3 and 12;

O’Cleireacain and Rivlin, however, are critical of McKinsey’s estimate. They write, “we accept that there is some degree of cost inefficiency built into the District’s spending levels. We do not know how large that is. Neither does anyone else”: O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 20.

The GAO study stresses that the District currently provides many services inefficiently: GAO, 9-10 and 50-62.

<sup>26</sup> GAO, 15.

<sup>27</sup> For the discussion of a federal payment that was earmarked for infrastructure project, see the DC Fiscal Policy Institute/Brookings Institution discussion of Eleanor Holmes Norton’s “District of Columbia Fair Federal Compensation Act of 2004”: Lazere and Garrison, *New Federal Contribution*, 9-11.

For discussion of all other proposals see: O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 22-32; D.C., “Issues and Approaches,” 16-21; Lazere and Garrison, *New Federal Contribution*, 9-14.

<sup>28</sup> “Of all the factors contributing to high D.C. tax rates, the District’s lack of nonresident income taxing authority could be the most significant”: Meyers, *Public Opinion*, 53.

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<sup>29</sup> The GAO also notes that of the states with income taxes “Fifteen states participate in reciprocal nontaxation agreements, but no state has an agreement with more than 6 other states”: GAO, 43. See also: O’Cleireacain, *Orphaned Capital*, 105; Meyers, *Public Opinion*, 53; McKinsey & Co., *Assessing the District*, 15.

<sup>30</sup> In November 2005, the U.S. District Court of Appeals for the District of Columbia upheld the restriction: *Banner v. United States*, 428 F.3d 303 (D.C. Cir., 2005), Nov. 4, 2005. Available online at: <http://pacer.cadc.uscourts.gov/docs/common/opinions/200511/04-5190b.pdf>

The plaintiffs appealed the decision to the Supreme Court, but the Supreme Court declined to hear the case. Henri E. Cauvin, “High Court Won’t Hear Commuter Tax Bid,” *Washington Post*, May 16, 2006, B4.

<sup>31</sup> Of the 691,678 people who earn income in the District, 279,479 are commuters from MD and 191,253 are from VA. The rest of the 72 percent who are non-residents are from other states. In contrast 73 % (190,566) of the District’s working population (total of 260,884) worked within the city, and only 36,450 commuted to Maryland and 31, 263 commuted to Virginia: D.C., “Issues and Approaches,” pg. 7, table 1.

<sup>32</sup> D.C., “Issues and Approaches,” 7.

The report states that “70 percent of income earned in the District cannot be taxed to support District municipal services” (Pg. 6). This appears to be poor phrasing. Table 2 shows that 77.3% (\$30.9 billion), not 70%, of income earned in the District is earned by nonresidents, meaning that the District is prohibited from taxing it. The 70% figure appears to be the net taxable income available to the District under a commuter tax framework. In order to come up with the figure for how much income D.C. would be able to tax if it were allowed to tax commuters, it is important to keep in mind that this would end the reciprocity agreement. In other words, while D.C. would gain the ability to tax the income earned by nonresidents within D.C.’s borders, it would lose the ability to (or would choose not to) tax income earned by D.C. residents outside of the District’s borders. Therefore, with a commuter tax, the net taxable income would equal nonresident income earned in the District minus District resident income earned outside the District. Looking at FY 2002 figures used in Table 2 of the Mayor’s report, this amounts to \$30.9 billion minus \$3.0 billion, a net figure of \$27.9 billion – which is equivalent to 70% of the value of all income earned within the District’s borders: D.C., “Issues and Approaches,” 7.

<sup>33</sup> O’Cleireacain and Rivlin, *Sound Fiscal Footing*, 4.

<sup>34</sup> The McKinsey researchers wrote: “We believe that this 2 percent rate is a reasonable basis for the estimate, as nonresident commuter tax rates in the ten cities we reviewed varied from 0.5 percent to 4 percent of income.” McKinsey & Co., *Assessing the District*, pg. 15, footnote 23).

The original complaint in the *Banner v. United States* lawsuit had slightly higher number, possibly due to an adjustment for inflation, claiming that “depending on the tax rate that the District might impose on this non-resident income earned within its borders, the Prohibition costs the District every year from approximately \$530 million (assuming a 2% rate) to approximately \$1.4 billion (assuming imposition of the same rates currently applied to District residents.)”: *Banner* complaint, 4. The *Banner* complaint is accessible online at: <http://www.dcvote.org/trellis/acting/non-residentincometax-dcslawsuit07-23-03.pdf>. (See bibliography for full citation).

It is also worth noting that the GAO did not come up with a figure for the foregone revenue from the prohibition on taxing nonresident income earned in the District. They dodged the question by taking the position that the “difficulty of predicting the magnitudes of the various potential policy and behavioral responses makes it difficult to estimate the revenue that the District would gain from a typical tax on nonresidents”: GAO, 46.

<sup>35</sup> GAO, 71-88.

<sup>36</sup> *District of Columbia Personal Protection Act*, 108th Congress, H.R. 3193. The legislation passed the House 250-171, with the support of 52 Democrats and over the opposition of 22 Republicans, on Sept. 29, 2004. Roll call vote n. 477.

<sup>37</sup> The gun safety repeal was included as an amendment to the *District of Columbia Appropriations Act of 2006*, 109<sup>th</sup> Congress, H. Amdt. 425, amendment onto H.R. 3058. Approved in the House 259-161, June 30, 2005, Roll call vote n. 349.

See: Spencer S. Hsu, “House Votes to Repeal D.C. Gun Restriction; Measure Would Curb Law the Requires Arms Kept at Home to Be Nonoperating,” *Washington Post*, July 1, 2005, B3.

Debate over this proposal spurred Rep. David Obey (D-WI) to chastise its supporters saying, “If you want to tell the District of Columbia what their laws ought to be, run for the city council. This is not the city council. We look ridiculous and abusive when we try to act as though we are,” *Congressional Record*, Vol. 151, No. 90, June 30, 2005, pg. H5502

For full debate over this amendment on the House Floor see: (*Congressional Record*, Vol. 151, No. 90, June 30, 2005, pp. H5501-H5504.

<sup>38</sup> *DC Fair and Equal House Voting Rights Act of 2006*, 109<sup>th</sup> Congress, H.R. 5388. This bill is an amended version of Rep. Tom Davis’ earlier proposal, the *DC Fairness in Representation Act* (know as the DC FAIR Act): 109th Congress, H.R. 2043.

The newer version, unlike its predecessor, has the support of Rep. Eleanor Holmes Norton. See: Lori Montgomery and Elissa Silverman, “Plan to Give D.C. a Vote In Congress Advances; Norton Backs Bill To Be Unveiled Today,” *Washington Post*, May 11, 2006, A1; and Lori Montgomery and Elissa Silverman, “D.C. Vote’s Stars are Aligning; Co-Sponsor Sees Enough Support on House Panel,” *Washington Post*, May 12, 2006, A1.

<sup>39</sup> Spencer S. Hsu, “Bipartisan Group Asks House to Set Aside Politics, Give D.C. Vote,” *Washington Post*, May 4, 2005, B4.

<sup>40</sup> This stands in contrast to the twin bills introduced earlier by Rep. Eleanor Holmes Norton and Sen. Joe Lieberman (D-CT) titled the *No Taxation Without Representation Act of 2005*, 109th Congress, H.R. 398 and S. 195.

<sup>41</sup> In an op-ed in 2000, Davis expressed his opposition to statehood as well as his opposition to Senate representation for the District. “I am among those lawmakers who do not support granting the District two senators--with or without statehood”: Op-ed., Tom Davis, “A Look At . . . D.C. Voting Rights; Congress Should Rectify This Wrong,” *Washington Post*, April 9, 2000, B3.

Davis does however support expanded home rule autonomy as he is the sponsor of the: *District of Columbia Budget Autonomy Act of 2005*, 109<sup>th</sup> Congress, H.R. 1629.

<sup>42</sup> DC Vote was a prime sponsor of the DC FAIR Act. See: <http://www.dcvote.org/advocacy/dcfairact.cfm>. They have now shifted to supporting the modified version which is called the *DC Fair and Equal House Voting Rights Act of 2006*, 109<sup>th</sup> Congress, H.R. 5388.

The two most prominent defenses of the legality of the DC FAIR Act are:

Viet Dinh and Adam Charnes, “The Authority of Congress to Enact Legislation to Provide the District of Columbia with Voting Representation in the House of Representatives,” submitted to the Committee on

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Government Reform, U.S. House of Representatives, November 2004. Accessed online at: <http://www.dcvote.org/pdfs/congress/vietdinh112004.pdf>.

Kenneth Starr, "Testimony of the Hon. Kenneth W. Starr Before the House Government Reform Committee," June 23, 2004. Accessed online at: <http://www.dcvote.org/pdfs/kstarr062304.pdf>.

<sup>43</sup> See footnote 41.

<sup>44</sup> Spencer S. Hsu, "Bipartisan Group Asks House to Set Aside Politics, Give D.C. Vote," *Washington Post*, May 4, 2005, B4. Reflecting the narrow partisan view of the matter, an aide to the Republican leadership said, "Why we would want to give a Democrat a vote even if another Republican gets a vote doesn't make any sense": Lori Montgomery, "Davis's Optimism For D.C. Vote Slips; Protocol Was Breached, Peeved GOP Aides Say," *Washington Post*, May 13, 2006, B1.

<sup>45</sup> Op-ed., Ilir Zherka, "FAIR Treatment for D.C. Voters," *Washington Post*, January 29, 2006, B8.

### Notes for Public Opinion and the Status of the District of Columbia

<sup>1</sup> Warren Miller and Donald Stokes, "Constituency Influence in Congress," *Classics in Congressional Politics* (New York: Longman, 1999), 92. Their work was originally published in: *American Political Science Review*, Vol. 57, 1963, 45-57.

<sup>2</sup> Robert Erikson, "Constituency Opinion and Congressional Behavior: A Reexamination of the Miller-Stokes Representation Data," *American Journal of Political Science*, Vol. 22. No. 3 (August 1978): 532.

<sup>3</sup> Edward Meyers, *Public Opinion and the Political Future of the Nation's Capital*, (Washington, D.C.: Georgetown University Press, 1996), 218.

<sup>4</sup> Meyers, *Public Opinion*, 217.

<sup>5</sup> Jarol Maheim, Richard Rich and Lars Willnat, "Chapter 20: Focus Group Methodologies," *Empirical Political Analysis: Research Methods in Political Science*, 5<sup>th</sup> Edition, (New York: Addison Wesley Longman, 2002), 353.

<sup>6</sup> Manheim, Rich and Willnat, 361.

<sup>7</sup> Meyers, *Public Opinion*, 223.

<sup>8</sup> Mark David Richards conducted three separate studies of public opinion. He references his 1997 study and details his 1999 study in: Mark David Richards, "U.S. Public Opinion on Political Equality for Citizens of the District of Columbia," published in the online news site *DC Watch*, April 2000. Accessed at: <http://www.dccwatch.com/richards/000412.htm>.

Richards compiled excerpts from his 1997 and 1999 studies along with studies conducted by other groups in: Mark David Richards, "Discontent in DC," *Public Perspective: a Roper Center Review of Public Opinion and Polling*, January/February 2003. Accessed at: <http://www.ropercenter.uconn.edu/pubper/authors/richards.pdf>

Richards' 2005 study was publicized by the non-profit D.C. Vote. The results can be found in a Power Point presentation entitled "U.S. Public Opinion on DC Voting Rights" at DC Vote's website: <http://www.dcvote.org/pdfs/polls/polljan2005.pdf>. See also: Spencer Hsu, "Voting Rights for D.C. Get 82% Backing; Advocates to Release Nationwide Survey," *Washington Post*, January 25, 2005, B1.

<sup>9</sup> Mark David Richards, “U.S. Public Opinion on Political Equality for Citizens of the District of Columbia,” April 12, 2000, published online by *DC Watch*: <http://www.dwatch.com/richards/000412.htm>. (The quote is from the “History of Support for D.C. Home Rule, Local Self-Government” section.)

<sup>10</sup> Richards, 2005, 15.

<sup>11</sup> Richards, *Public Perspective*, 15. See also: Richards, *DC Watch*, in the “Methods to Achieve Equal Voting Rights in Senate and House of Representatives” section. Richards’ findings support the earlier findings of Richard Wirthlin, “Ronald Reagan’s pollster,” who revealed that in 1987 that 78% of Americans supported full voting representation for District residents and “52 percent supported a bill to grant D.C. statehood”: Spencer S. Hsu, “82% Back Rights for D.C. in Congress; Advocates to Release Nationwide Survey on Representation Issue,” *Washington Post*, January 25, 2005, B1.

<sup>12</sup> Richards, 2005, 30.

<sup>13</sup> Richards asked college graduates whether District residents had equal representation in two separate surveys. In his 1999 survey he found that 46% of college graduates thought the District had equal representation while 45% thought they did not: Richards, *Public Perspective*, 12; In 2005, only 36% of the college graduates in the sample answered the question correctly: Richards, 2005, 23. Ignorance about D.C.’s unique status is not new. “In 1987, a national survey by President Ronald Reagan’s pollster Richard Wirthlin” reported that three-fourths of the respondents thought “the District was fully represented in Congress, and about one-fourth believed that the District was a state”: Spencer S. Hsu, “82% Back Rights for D.C. in Congress; Advocates to Release Nationwide Survey on Representation Issue,” *Washington Post*, January 25, 2005, B1.

<sup>14</sup> Meyers, *Public Opinion*, 1996.

<sup>15</sup> As Jennifer Hochschild explains in her 1981 study, *What’s Fair*, “one cannot safely generalize from a sample of this kind [such as focus groups] to a national population”: Hochschild, 23.

<sup>16</sup> Manheim, Rich and Willnat, 361, italics removed. For Meyers’ discussion of heterogeneity and homogeneity see: Meyers, *Public Opinion*, 224.

<sup>17</sup> For the demographic data of Des Moines focus group participants, see Appendix B.

<sup>18</sup> 50% of participants had graduate degrees compared to 8.3% of resident in the general Des Moines area as defined by the Census’s definition of the Des Moines Metropolitan Statistical Area. U.S. Census Bureau, “Table DP-1. Profile of the General Demographic Characteristics: 2000. Geographic Area: Des Moines, IA MSA,” *Census 2000*, pg 2. Accessed online through the State Library of Iowa’s State Data Center: <http://www.silo.lib.ia.us/specialized-services/datacenter/DemographicProfiles/MetroArea/metroalldp2000.pdf>.

Regarding the benefit of having well-educated focus group participants, Meyers notes, “As a generality (that does not always hold), the well-educated tend to have an ideological structure and are opinion leaders more so than the less-educated.” Meyers, *Public Opinion*, 119.

<sup>19</sup>

Income Range	Participants in range	Percentage	Des Moines Area Percentages (Census Data)
Less than \$25,000	3	21%	22.9%
25-50,000	1	7	30.6
50-75,000	4	29	23.0
75-100,000	5	36	11.8
Over 100,000	1	7	11.7

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State income data: U.S. Census Bureau, "Table DP-1. Profile of the General Demographic Characteristics: 2000. Geographic Area: Des Moines, IA MSA," *Census 2000*, pg 3. Accessed online through the State Library of Iowa's State Data Center: <http://www.silo.lib.ia.us/specialized-services/datacenter/DemographicProfiles/MetroArea/metroalldp2000.pdf>.

<sup>20</sup> For a discussion of the role of race in focus groups see: Meyers, *Public Opinion*, 227-228.

<sup>21</sup> Meyers, *Public Opinion*, 227.

<sup>22</sup> Participants in the Grinnell focus group were recruited based on my knowledge of their interest in politics, partisan leanings, gender, and home town not being the District. Thus, these participants were screened to some degree, albeit informally.

<sup>23</sup> DC Vote. *It's Time*. 2000. VHS videocassette. Commissioned by DC Vote and produced by Semans Company, Inc. and Interface Media Group. Also available online: <http://www.dcvote.org/library/videoitstime.cfm>.

D.C. Statehood Commission. *New Columbia: 51<sup>st</sup> State of the Union*. 1989. VHS videocassette. Commissioned by the DC Statehood Commission and produced by Maguire-Reeder, Ltd. Washingtoniana Archives, Martin Luther King, Jr. D.C. Public Library.

<sup>24</sup> Meyers explain his schema theory in his "Appendix G": Meyers, *Public Opinion*, 231-242.

<sup>25</sup> *Ibid.*, 134.

<sup>26</sup> Meyers' discussion of his six schema: *Ibid.*, 134-135.

<sup>27</sup> *Ibid.*, 170.

<sup>28</sup> Session 2, near 13:25. Time codes refer to transcripts of focus group session.

<sup>29</sup> Maurice found the diversity of the city intriguing: Session 3, near 11:33.

<sup>30</sup> Session 1, 25:23. Other participants also articulated their perceptions of poverty in the city: Joan, Session 2, 13:50; Marsha, Session 2, 15:09; Tyler, Session 3, 11:33.

<sup>31</sup> Session 2, 1:26:45.

For reasons of confidentiality, the names attached to focus group members' opinions in this paper are all pseudonyms.

Meyers found that many of his participants had a strong sense of the poverty and crime of D.C. He writes, "They knew all about Marion Barry and Jesse Jackson, or though they did. They knew about the 'corruption' of the District's government and what they viewed as the District's pathetic lack of resources. They knew that a rather high percentage of D.C. residents were 'on welfare' or in prison. D.C. was universally known as America's murder capital": Meyers, *Public Opinion*, 117.

<sup>32</sup> Session 3, near 12:52.

<sup>33</sup> Session 3, 13:27.

<sup>34</sup> Session 1, near 8:18. Brendan's question was echoed by Tessa: Session 1, 10:53.

<sup>35</sup> Session 1, 11:58.

<sup>36</sup> Session 3, near 19:15.

<sup>37</sup> Session 3, 1:22:21.

<sup>38</sup> Meyers, *Public Opinion*, 180.

<sup>39</sup> Even after two hours of discussion, one participant felt most comfortable checking the "no opinion" box. Another wrote, "I want a fair system which includes voting rights that reflects [the] wishes of District residents" and felt that this opinion was best expressed by the box labeled "other." For a table of responses to the post-session questionnaire, see Appendix E.

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<sup>40</sup> Session 3, 1:31:48.

<sup>41</sup> Session 3, 33:24.

<sup>42</sup> Session 3, near 37:30.

<sup>43</sup> Session 2, 1:27:14.

<sup>44</sup> Session 3, near 24:42.

<sup>45</sup> Session 3, near 25:25.

<sup>46</sup> Meyers, *Public Opinion*, 121.

<sup>47</sup> Session 3, 1:30:47.

<sup>48</sup> Session 3, 1:30:47.

<sup>49</sup> Session 1, 1:33:43.

<sup>50</sup> Session 3, 36:18.

<sup>51</sup> Session 3, 58:29.

<sup>52</sup> Session 3, 55:01.

<sup>53</sup> Session 3, 59:35.

<sup>54</sup> Session 3, 46:38.

<sup>55</sup> Session 1, 56:24. For other instances of participants comparing the District to national capitals around the world see: Joan, Session 2, near 49:56 and Marsha, Session 2, 30:47.

<sup>56</sup> Session 2, near 1:18:50.

<sup>57</sup> Session 2, near 38:19.

<sup>58</sup> Roger expressed his concern about the inefficiency of the federal government when he said, “When I think of . . . how the federal government spends money, it costs many, many times more than what I can buy at the local hardware store . . . [and] if they’re in control . . . I’m not sure it can be a very effective city”: Session 2, 35:30; Dave thought the country would be better served if the federal government stopped spending time on District issues: “From a very pragmatic perspective why in the world would congress even want to spend 60 seconds with everything else they have to do?”: Session 2, 41:23.

<sup>59</sup> Session 1, near 49:40.

<sup>60</sup> Session 3, 27:55.

<sup>61</sup> Session 3, 29:54.

<sup>62</sup> Session 3, 40:12.

<sup>63</sup> Session 1, 27:26.

<sup>64</sup> Meyers, *Public Opinion*, 166.

<sup>65</sup> Session 2, 32:50.

<sup>66</sup> Session 3, 32:16.

<sup>67</sup> Session 2, 39:52.

<sup>68</sup> Joan, Session 2, 54:15; Roger, Session 2, 1:02:18; Brendan, Session 1, 46:40.

<sup>69</sup> Roger, Session 2, near 48:27; Trisha, Session 3, 21:04.

<sup>70</sup> Session 2, near 56:04.

<sup>71</sup> Session 2, near 56:04.

<sup>72</sup> Session 2, 56:33.

<sup>73</sup> Session 2, near 57:56. To the extent that survey data reflects public opinion, quantitative studies reveal that neither District residents nor residents in the immediate suburbs surrounding D.C., in both Maryland and Virginia support retrocession. A 1994 Wirthlin Group study showed that only 25% of the 500 suburban residents polled endorsed retrocession to Maryland, while that number dropped to 19% among the 1000 District residents who participated in the poll. See: Richards, *DC Watch*, in the “Retrocession – Merging D.C. with Maryland” section. District residents’ dislike was confirmed in a 2000 George Washington University study when only 21% of those polled supported the option of retrocession: Richards, *Public Perspective*, 14.

<sup>74</sup> Jonah, Session 1, 49:40 and 51:18.

<sup>75</sup> (Session 1, near 49:40).

<sup>76</sup> Session 2, near 1:15:16.

<sup>77</sup> The brief discussion of Marion Barry during Session 3 in Des Moines also failed to turn up any opposition. Session 3, near 1:19:09.

<sup>78</sup> Session 1, 1:27:50.

<sup>79</sup> Session 2, near 1:21:38.

<sup>80</sup> Session 2, near 1:05:31.

<sup>81</sup> Tyler, Session 3, 1:13:12.

<sup>82</sup> See footnote 23.

<sup>83</sup> Mark David Richards also explored the effectiveness of specific messages in his 2005 survey. For a quantitative exploration of message effectiveness see: Richards, 2005, 27 and 32-33.

<sup>84</sup> Session 3, 1:00:00. Tessa also found this statistic memorable, Session 1, near 1:15:20.

<sup>85</sup> Session 2, 1:00:25.

<sup>86</sup> Session 2, 1:01:31.

<sup>87</sup> Session 2, 1:01:31.

<sup>88</sup> Session 1, near 1:15:20. Tessa later mentioned that she also found the statistic about District residents' military service in Vietnam memorable: Session 1, near 1:16:24.

<sup>89</sup> Session 2, near 1:06:40. Marsha also mentioned that power of the "taxation without representation" message: Session 2, 1:01:07. Tyler argued that the message of "taxation without representation" has been overused and abused to the point where it was no longer effective. His view was contested by others: Session 3, near 1:07:21.

<sup>90</sup> Session 3, 1:03:00.

## Notes for Recommendations and Conclusion

<sup>1</sup> Numerous writers have offered recommendations regarding a wide array of strategies. They include: Meyers, *Public Opinion*, 61-94 and 187-195; Fauntroy, *Home Rule or House Rule*, 198-210; Harris, *Congress and the Governance*, 201-228 and 271-276.

<sup>2</sup> The exception is when state legislatures impose control boards on cities.

<sup>3</sup> While Congress may be able to grant voting representation with simple legislation, any attempt to reduce or abolish congressional oversight, and thereby grant full local self-determination to the District, would come into conflict with the District clause of the Constitution. Additionally, because D.C. residents gained votes in the Electoral College through the 23rd amendment to the Constitution, it is unlikely that anything but another amendment could remove the qualification that the District can have no more electors than the least populous state. In sum, simple legislation may only be able to address the issue of voting representation in Congress, while leaving the issues of local autonomy and equal Electoral College representation unresolved.

<sup>4</sup> Currently Maryland has a reciprocity agreement with Virginia and therefore imposes no commuter tax. However, it could change this in the future.

Comptroller of Maryland, "Maryland Income Tax -- Frequently Asked Questions." Accessed online at: <http://individuals.marylandtaxes.com/faq/incometax/q7.asp> and also "Maryland Income Tax Information – Working Outside of Maryland," <http://individuals.marylandtaxes.com/incometax/outsidemd.asp>.

<sup>5</sup> Dismissal of retrocession: Meyers, 86-87. Jesse Jackson was vocal in his opposition to retrocession to Maryland in 1990: Howard Schneider and R.H. Melton, "Jackson Chides Schaefer for Offer to Annex

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District,” *Washington Post*, February 28, 1990, B5; and Fern Shen, “Jackson Urges Md. Senate to Endorse Bid for Statehood; Annexations Disdained in Testimony in Annapolis,” *Washington Post*, March 14, 1990, B3.

Retrocession does, however, have some organized support in the Committee for the Capital City. Although not consistently active, the group has occasionally had a presence since the mid ‘90s. See: Op-ed., Lawrence Mirel, “Farewell D.C., Welcome to the Free State; If Washington Joined Maryland, Everyone Would Come Out Ahead,” *Washington Post*, February 25, 1996, C1.

The Committee for the Capital City’s website is: <http://www.washingtonmd.org>

In an op-ed written in 1992, Stephen Schwartz of the Brookings Institution also argued for more serious consideration of retrocession: Op-ed., Stephen B. Schwartz, “Washington, Md.? It Merits Another Look,” *Washington Post*, April 5, 1992, C8.

<sup>6</sup> Rep. John Rarick’s diatribe against the District, and his support for retrocession, are documented in: U.S. House of Representatives, *Home Rule: Hearings Before the Committee on the District of Columbia*, 92<sup>nd</sup> Congress, 2<sup>nd</sup> Session (1972), pp. 123-136.

Rep. Edith Green’s support for retrocession amidst her opposition to home rule: Jack Kneece, “Coming Debate to Reflect Bitter History,” *Washington Star*, October 7, 1973, B1.

<sup>7</sup> With the exception of Maryland Gov. William Schaefer’s short-lived expression of openness to the idea in 1990 there has been little support for retrocession in Maryland: Howard Schneider and R.H. Melton, “Jackson Chides Schaefer for Offer to Annex District,” *Washington Post*, February 28, 1990, B5; Philip Schrag conducted a survey of Maryland legislators in 1990 and found significant opposition: Schrag, “Future of District of Columbia,” pg. 320, note 53; See also: Op-ed., Philip G. Schrag, “The Quest for Statehood; Go Back to Maryland? Legislators Say No Way,” *Washington Post*, March 11, 1990, B8.

<sup>8</sup> In a survey conducted in 2005, Mark David Richards found that of the people polled, 78% incorrectly thought that District residents had the same voting rights as the residents of the states: Richards, 2005, 30.

In an early survey in 1999, Richards found that 46% of college graduates thought the District had equal representation while 45% thought they did not: Richards, *Public Perspective*, 12.

Ignorance about D.C.’s unique status is not new. “In 1987, a national survey by President Ronald Reagan’s pollster Richard Wirthlin” reported that three-fourths of the respondents thought “the District was fully represented in Congress, and about one-fourth believed that the District was a state”: Spencer S. Hsu, “82% Back Rights for D.C. in Congress; Advocates to Release Nationwide Survey on Representation Issue,” *Washington Post*, January 25, 2005, B1.

<sup>9</sup> Amy Doolittle, “D.C. To Fund Campaign on Statehood,” *Washington Times*, April 6, 2006, A1. See also: “District Briefing,” *Washington Post*, April 6, 2006, B4; Details on DC Vote’s television ads: Elizabeth Brotherton, “DC Vote Takes Educational Campaign Nationwide,” *Roll Call*, October 26, 2006, pg 3.

<sup>10</sup> Educating young Washingtonians has also already begun on a small scale. One example is DC Vote’s Student Outreach Committee which has been working since March 2005, on numerous initiatives including working with teachers to design lesson plans related to D.C. voting rights that can be used in the classroom.

Another example is The DC Young Suffragists whose mission statement states:

“The DC Young Suffragists group was founded in 2003 by D.C. neighbors interested in helping kids learn about our city and democracy. Open to boys and girls ages 4-12, we hold family workshops and go on field trips to learn about and improve Washington D.C.'s unique status in our country. We hope that by the time our oldest members are 18, they will be voting for senators and a representative from Washington D.C..”

See: <http://www.youngsuffragists.org> and also: Charlotte Ikes, “One Kid, One Vote; Young Campers Want D.C. To Have Spots in Congress,” *Washington Post*, August 7, 2003, C12; and Maha Al-Azar, “A D.C. Children's Party for Tea and Suffrage; Young Protesters Take Up the Cause Of Voting Rights for Their Home City,” *Washington Post*, August 2, 2003, B2.

<sup>11</sup> “Brief for Amici Curiae District of Columbia Chamber of Commerce, Federal City Council, District of Columbia Affairs Section of the District of Columbia Bar, et. al., In Support of Petitioners,” filed in the Supreme Court in the case of *Banner v. United States*, April 5, 2006. Copy of the brief obtained from DC Appleseed online: <http://www.dcappleseed.org/newsandupdates/news.cfm?id=35>.

<sup>12</sup> For detail of this dynamic between home rule and the 23<sup>rd</sup> amendment, see the earlier chapter about the amendment.

<sup>13</sup> A recent example of an argument about incrementalism see: Op-ed., Timothy Cooper, “Fight DC’s Stepping Stone to Retrocession,” *Washington Afro-American*, March 18, 2006.

Writing about the widespread support for the DC Fair act, before Rep. Norton began to support an amended version of it, Cooper wrote, “I believe that this bill, if passed, will end up being *detrimental* to DC's overall chances of ever winning US Senate representation, at least as a stand-alone, political, historical and cultural entity as envisioned under DC Delegate Eleanor Holmes Norton's bill for full representation. Indeed, DC could end up winning the battle for a vote in the House of Representatives only to lose, big time, the war to achieve equal representation in the US Senate where-and let's be frank about this-DC's real potential for national political power really lies.”