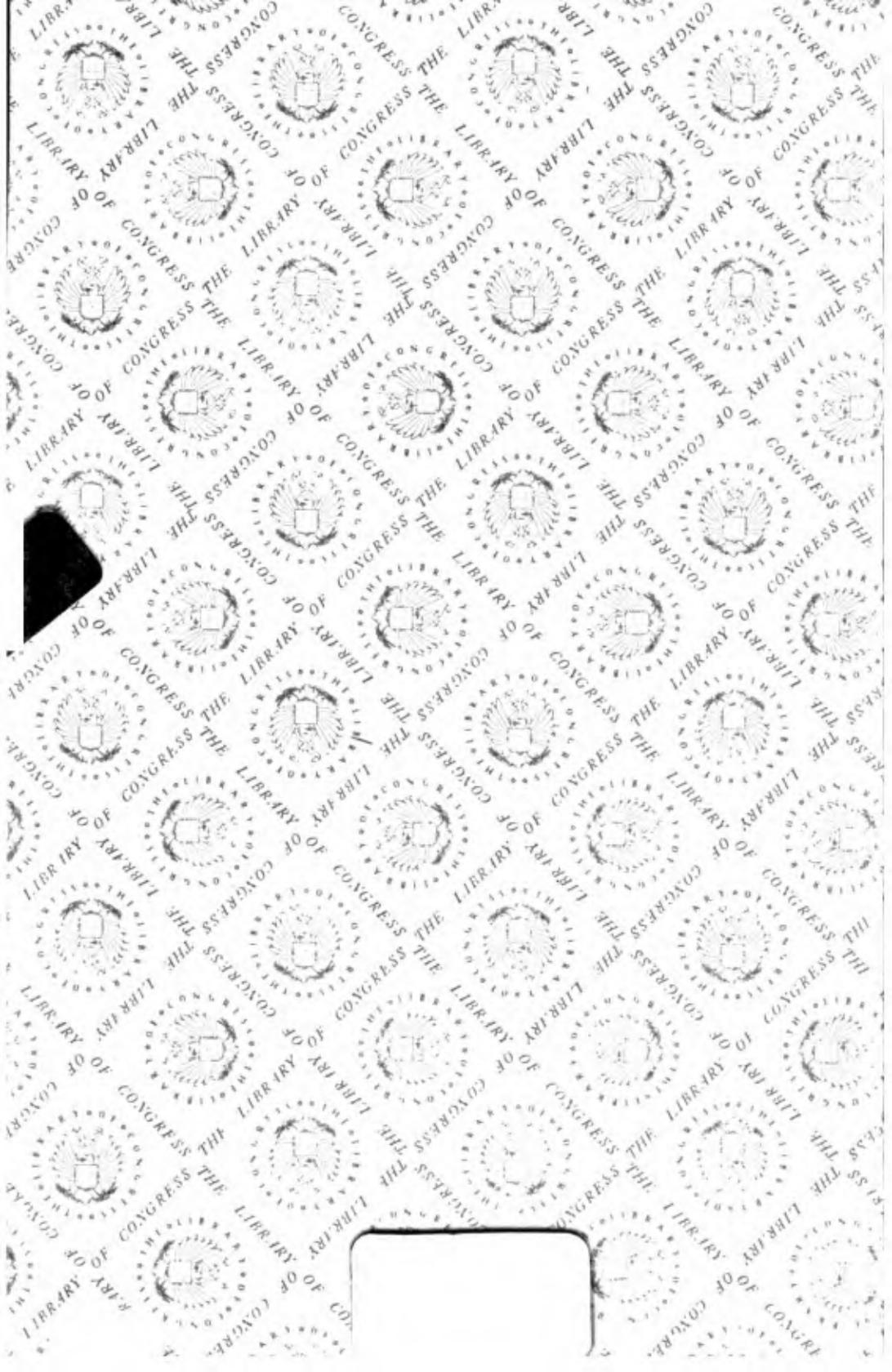


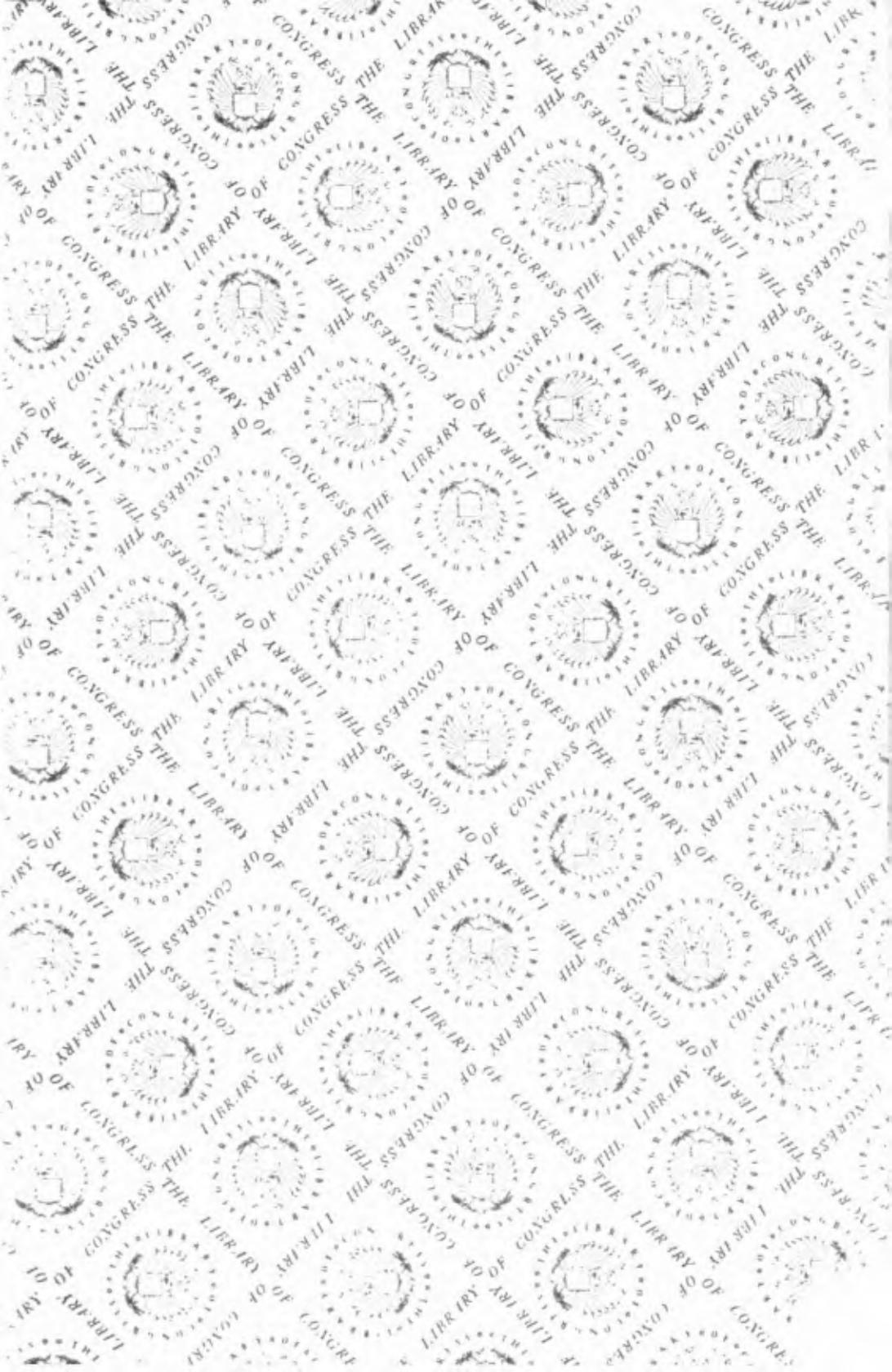
KF 27

.J8

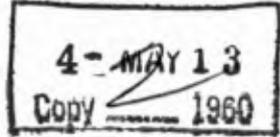
1959a

Set 2





DISTRICT OF COLUMBIA REPRESENTATION AND VOTE



HEARINGS

BEFORE

SUBCOMMITTEE NO. 5

OF THE

Congress. House.
→ COMMITTEE ON THE JUDICIARY.

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH CONGRESS

SECOND SESSION

ON

House Joint Resolution 529

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF
THE UNITED STATES GRANTING REPRESENTATION IN THE
HOUSE OF REPRESENTATIVES AND IN THE ELECTORAL
COLLEGE TO THE DISTRICT OF COLUMBIA

APRIL 6 AND 7, 1960

Printed for the use of the Committee on the Judiciary

SERIAL NO. 18



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1960

COMMITTEE ON THE JUDICIARY

EMANUEL CELLER, New York, *Chairman*

FRANCIS E. WALTER, Pennsylvania	WILLIAM M. McCULLOCH, Ohio
THOMAS J. LANE, Massachusetts	WILLIAM E. MILLER, New York
MICHAEL A. FEIGHAN, Ohio	RICHIARD H. POFF, Virginia
FRANK CHELFE, Kentucky	WILLIAM C. CRAMER, Florida
EDWIN E. WILLIS, Louisiana	ARCH A. MOORE, JR., West Virginia
PETER W. RODINO, JR., New Jersey	H. ALLEN SMITH, California
E. L. FORRESTER, Georgia	GEORGE MEADER, Michigan
BYRON G. ROGERS, Colorado	JOHN E. HENDERSON, Ohio
HAROLD D. DONOHUE, Massachusetts	JOHN V. LINDSAY, New York
JACK BROOKS, Texas	WILLIAM T. CAHILL, New Jersey
WILLIAM M. TUCK, Virginia	JOHN H. RAY, New York
ROBERT T. ASHMORE, South Carolina	
JOHN DOWDY, Texas	
LESTER HOLTZMAN, New York	
BASIL L. WHITENER, North Carolina	
ROLAND V. LIBONATI, Illinois	
J. CARLTON LOSER, Tennessee	
HERMAN TOLL, Pennsylvania	
ROBERT W. KASTENMEIER, Wisconsin	
GEORGE A. KASEM, California	

BESS E. DICK, *Staff Director*

WILLIAM R. FOLEY, *General Counsel*

WALTER M. BESTERMAN, *Legislative Assistant*

WILLIAM P. SHATTUCK, *Legislative Assistant*

CHARLES J. ZINN, *Law Revision Counsel*

CYRIL F. BRICKFIELD, *Counsel*

WILLIAM H. CRABTREE, *Associate Counsel*

SUBCOMMITTEE No. 5

EMANUEL CELLER, New York, *Chairman*

PETER W. RODINO, JR., New Jersey	WILLIAM M. McCULLOCH, Ohio
BYRON G. ROGERS, Colorado	WILLIAM E. MILLER, New York
LESTER HOLTZMAN, New York	GEORGE MEADER, Michigan
HAROLD D. DONOHUE, Massachusetts	
HERMAN TOLL, Pennsylvania	

C. F. BRICKFIELD, *Counsel*

KF27
J8
1959a
2d set

CONTENTS

	Page
Text of H. J. Res. 529-----	3
Testimony of--	
Bigio, Mrs. Samuel, 7636 17th Street, NW., Washington, D.C.-----	156
Bress, David, Esq., attorney at law, Washington, D.C.-----	50
Brohill, Hon. Joel T., a Representative in Congress from the State of Virginia-----	23
Case, Hon. Francis, U.S. Senator from the State of South Dakota----	118
Chamberlain, Culver, Democratic Central Committee for the District of Columbia-----	148
Dalton, John M., Esq., president, Junior Chamber of Commerce, Washington, D.C.-----	64
Davis, F. Elwood, Esq., chairman, Citizens Joint Committee on National Representation for the District of Columbia-----	35, 173
Donohue, Hon. F. Joseph, former Commissioner of the District of Columbia-----	45
Hechler, Hon. Ken, a Representative in Congress from the State of West Virginia-----	135
Humphrey, Hon. Hubert H., U.S. Senator from the State of Minne- sota-----	124
Keating, Hon. Kenneth B., U.S. Senator from the State of New York---	5
Koockogey, Gover M., vice president, Kalorama Citizens Association---	112
McLaughlin, Hon. Robert E., President, Board of Commissioners of the District of Columbia-----	29
Morse, Hon. Wayne, U.S. Senator from the State of Oregon-----	46
Multer, Hon. Abraham J., a Representative in Congress from the State of New York-----	14
Muñoz-Marín, Hon. Luis, Governor of Puerto Rico-----	21
Randolph, Hon. Jennings, U.S. Senator from the State of West Virginia-----	127
Wender, Harry S., Esq., attorney, representing B'nai B'rith-----	67
Statement of--	
Biddle, Sam, chairman, Legislative Advisory Group of the Republican State Committee of the District of Columbia-----	53
Brown, Philip, Washington, Washington Home Rule Committee-----	145
Bush, Mrs. John W., chairman, District of Columbia Federation of Women's Clubs-----	55
Butler, Miss Sally, legislative chairman, General Federation of Women's Clubs-----	52
Celler, Hon. Emanuel, a Representative in Congress from the State of New York-----	1
Clark, Charles Patriek, Esq., attorney, World Center Building, Washington, D.C.-----	136
Giehner, Mrs. Henry, vice chairman, District of Columbia Committee for the White House Conference on Children and Youth-----	115
Gilliland, John B., District of Columbia Congress of Parents and Teachers-----	152
Gottsegen, Mrs. Jack, National Council of Jewish Women, Inc.-----	149
Hall, Woolsey W., Federation of Civic Associations-----	54
Harris, Hon. Oren, a Representative in Congress from the State of Arkansas-----	117
Hawes, Alexander B., Esq., representing the Bar Association of the District of Columbia-----	48
Hudgins, Herbert V., Woodridge Citizens Association-----	111
Kane, Francis J., president, Association of Oldest Inhabitants-----	54
Lamb, George P., Esq., Lamb & Long, Pennsylvania Building-----	140
Leeman, Herbert, 1405 G Street NW., Washington, D.C.-----	156

110-18

Statement of—Continued

Lindsay, Hon. John V., a Representative in Congress from the State of New York	Page 136
Louchheim, Mrs. Katie, Democratic National Committeewomen for the District of Columbia	63
Lusk, Hon. Rufus, president, Washington Taxpayers Association	145
McGuigan, F. H., secretary, Greater Washington Central Labor Council, AFL-CIO	140
Meltzer, Sadve F., secretary, Lamond-Riggs Citizens' Association	160
Morris, E. K., Esq., president, Metropolitan Washington Board of Trade	51
Norwood, William K., president, Federation of Citizens' Associations of the District of Columbia	64
O'Donnell, James F., Esq., counsel, District of Columbia Federation of Business Men's Associations, Inc.	146
Paul, Mrs. Joseph B., president, 20th Century Club	54
Prahinski, Theodore, vice president for District affairs, Young Democratic Club of the District of Columbia	114
Rosenblum, Mrs. Haskell, president, District of Columbia League of Women Voters	147
Schlaifer, Irving, 912 Gallatin Street, Washington, D.C.	154
Sherry, Daniel, president, National Capital Association of B'nai B'rith	150
Stone, J. Norman, president, Uptown Morse for President Club	150
Wiley, Mrs. Harvey W., 2d vice president, Women's City Club of Washington, D.C.	138
Wilcox, Mr., secretary, Association of Oldest Inhabitants	54
Letters, telegrams of—	
Albaugh, Bill, acting secretary, District of Columbia Statehood Committee	158
Barnes, Roberta S., president, Department of Elementary School Principals, National Education Association, Washington, D.C.	57
Biemiller, Andrew J., director, Department of Legislation, AFL-CIO	58
Borchardt, Herbert, commander, District of Columbia Department, Veterans of Foreign Wars of the United States	157
Cobb, Charles W., Jr., 6347 North Washington Boulevard, Arlington, Va.	162
Daly, Victor R., Washington, D.C.	62
Darrin, David, 140 Constitution Avenue, N.E., Washington, D.C.	163
Dodek, Oscar I., president, Merchants & Manufacturers Association, Inc.	159
Foley, Hon. John R., a Representative in Congress from the State of Maryland	29
Gluck, Morton, chairman, Home Rule Committee of Americans for Democratic Action, Washington Chapter	159
Gori, Patrick T., executive director, Downtown Park & Shop, Inc.	58
Grant, Maj. Gen. U.S., III, retired	161
Hodgkins, George W., 1832 Biltmore Street, N.W., Washington, D.C.	162, 171
McCane, Mrs. Margaret P., chairman, Christian Social Action Committee, People's Congregational Church, Washington, D.C.	158
McNeill, Bertha, president, Women's International League for Peace and Freedom	158
Palisades Citizens' Association	58
Mrs. Robert J. Phillips, president, League of Women Voters of the United States	60
Shoble, Walter Franklin, Esq., chairman, Junior Bar Section, Bar Association of the District of Columbia, Washington, D.C.	161
Shoemaker, J. F., 156 Uhland Terrace N.E., Washington, D.C.	59
Simonds, Arthur, Jr., executive secretary, Montgomery County Education Association	164
Taggart, Etta L., president, The Washingtonians	56
Underwood, P. James, secretary, The Citizens' Association of Takoma, D.C.	57
Miscellaneous:	
Washington Post editorial, April 6, 1960	62
Reports on similar proposals in previous Congresses	70
Report of District of Columbia Board of Commissioners	30
Review of apportionment and districting requirements	164
Proposed amendments, 1789-1954	170, 171

DISTRICT OF COLUMBIA REPRESENTATION AND VOTE

WEDNESDAY, APRIL 6, 1960

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 5
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee was called to order at 10 a.m., in room 346, House Office Building, the Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Emanuel Celler, Peter W. Rodino, Jr., Byron G. Rogers, Lester Holtzman, Harold D. Donohue, Herman Toll, William M. McCulloch, William E. Miller, and George Meader.

Also present: Cyril F. Brickfield, counsel, William H. Crabtree, associate counsel, and Richard Peet, counsel.

The CHAIRMAN. The committee will come to order.

Senator Keating, is your statement going to be long? I promised Congressman Multer, who has to go to a committee meeting, that he might speak briefly. Will that be agreeable to you?

Senator KEATING. Yes, Mr. Chairman. We convene at 10 this morning. I am awaiting a call. If we have a quorum call or something right at the start, I would have to leave.

The CHAIRMAN. Mr. Multer, will you yield to Senator Keating?

Mr. MULTER. Of course.

Senator KEATING. I think I am safe, Mr. Chairman. I will be about 10 minutes.

The CHAIRMAN. However, the Chair wishes to read a statement first.

In sponsoring this legislation, which I introduced last year—September 11, 1959—I am hopeful that a constitutional amendment will be adopted in the very near future, giving the people of the District of Columbia the right to vote in Federal elections, as well as an enfranchised voice in the affairs of our National Legislature.

It seems incongruous that citizens as far away as Hawaii and Alaska have the right to vote, while the residents of the seat of the government do not, especially when it is remembered that the men and women of the District of Columbia have all the obligations of citizenship, including the payment of Federal taxes, of local taxes, and service in our Armed Forces.

The District of Columbia, with more than 850,000 residents, has a greater number of persons than 15 of our States and a greater number of its sons and daughters served in our Armed Forces in World War II than served from a third of our States.

The District's population, in fact, exceeds the combined population of Alaska, Nevada, and Wyoming, three States which are represented by nine men in Congress, while the District of Columbia remains

unrepresented. In 1948, the last time the District tax contributions were reported separately, the District paid over \$363 million in Federal taxes—more than the contributions of 25 States.

One may ask: Why have the residents of the District of Columbia been denied the right to vote for President and Vice President and excluded from representation in the Congress? A study of the constitutional debates of the Constitutional Convention of 1787 and also of the contemporary writings of our leading statesmen of that day discloses that it was not the intention of our Founding Fathers to deny the District such rights. The denial stems, apparently, from an oversight or omission on their part, for nowhere in our fundamental instrument is there an express prohibition against voting by residents of the District; it is just that the Constitution simply does not provide for the right.

At the time the Constitution was being considered in Philadelphia in 1787, James Madison wrote in the *Federalist*, No. 43, that the inhabitants of the new Federal city should “of course * * * have their voice in the election of the government which is to exercise authority over them.” But at that time it was not known where the seat of government would be or what would be the size of the area ceded to the Federal Government for that purpose. It might have been, for all the Founding Fathers knew, a very small area indeed, just enough to encompass the Federal buildings needed to carry out the business of government, with residents surrounding it retaining their State citizenships. In any event, no provision for national representation of the Federal inhabitants was included. As the remarks of Madison suggest, however, the failure to do so was due to an oversight rather than to any intention by the framers to deny residents of the District the right to vote.

Technically, voting rights are denied District residents because the Constitution is said to provide machinery only through the States for the election of Senators and Representatives to Congress and for selection of the President and Vice President (art. I, sec. 2). Since the District is not a State or part of a State, there is no machinery through which its citizens may participate in such matters.

The correction of this omission is the sole purpose of my resolution, House Joint Resolution 529, which calls for a simple amendment to the Constitution, which would authorize Congress to pass laws permitting District citizens to vote in national elections and to elect Delegates to the House of Representatives with such powers as Congress determines. It provides—

1. That the number of District Delegates in the House of Representatives shall be determined by an apportionment method known as the method of equal proportions with the District receiving, generally, as many Delegates as each State is entitled to Representatives on a population basis but in no event less than one Delegate;
2. That the Delegates are to have such powers, including the right to vote, as the Congress by law may prescribe;
3. That District residents may vote in national elections and be entitled to as many electoral votes for President and Vice President as the District has Delegates in the Congress.

I wish to emphasize that my resolution does not conflict with or have any bearing upon the question of "home rule" for the District of Columbia. This is not an "either-or" proposition. My amendment provides for a vote in Federal elections and representation in the House. While I have always favored home rule and I will continue to work for home rule, and I have signed petitions for home rule, this bill is not a home rule bill nor is it a substitute for home rule.

It is a matter of public record that the residents of the District of Columbia have been campaigning for the right to vote almost since the time the land which became known as the District of Columbia was ceded by the States of Virginia and Maryland. Their early campaigns for the franchise were supported by several Presidents. Presidents James Monroe in 1818, Andrew Jackson in 1831, William Henry Harrison in 1841, and Andrew Johnson in 1866 urged national representation for the District in various forms.

In addition, there have been numerous resolutions over the years—some 75 in number. Of these, three were favorably reported by the Judiciary Committees of the Congress—in the Senate in 1922 and 1925 and by the House Judiciary Committee in 1940.

I may mention that I supported and voted for the bill in 1940 which was favorably reported by this committee.

In this Congress for the first time a resolution has passed one of the Houses of Congress. The Senate, on February 2, 1960, favorably approved Senate Joint Resolution 39. This circumstance and the recent granting of statehood to Alaska and Hawaii lead me to be optimistic about succeeding in getting my amendment adopted by the House during this Congress.

The long struggle to give a vote to the District of Columbia has slowly but surely educated the American public to the point where there is little resistance to giving the vote to the residents of the District. Because of this circumstance, I feel that my resolution stands an excellent chance of succeeding.

This legislation will in no way lessen the control of Congress over the seat of government. It merely insures the District of Columbia the right to vote in national elections and to have a representative voice in the Congress. Certainly the legislation is long over due. I hope the subcommittee, the full committee, and the Congress will act favorably on my resolution and recommend it for submission to the several States so that it may become a part of the Constitution of the United States.

(H.J. Res. 529 follows:)

[H.J. Res. 529, 86th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States granting representation in the House of Representatives and in the Electoral College to the District of Columbia

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. The people of the District constituting the seat of the Government of the United States shall elect, in such manner and under such regulations as the Congress shall provide by law :

"A number of Delegates to the House of Representatives to serve during each Congress determined by the method known as the method of equal proportions or by any other method currently employed for determining the number of Representatives, with such powers as the Congress, by law, provides; but the District shall have at least one Delegate; and

"A number of electors of President and Vice President equal to the whole number of delegates to the House of Representatives to which the District is entitled under this article; such electors shall possess the qualifications required by article II of this Constitution; 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 cast their ballots as provided by the twelfth article of amendment.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation."

Mr. McCULLOCH. Mr. Chairman, I am very happy that you have set hearings on your resolution, upon which testimony will be taken at length.

I think it is apparent to all knowledgable citizens that there is great interest in this proposal.

There are some things to be considered, and I know that they will be carefully considered in view of the testimony that will be given in these hearings.

I have not prejudged the proposal. I do not think that it is in keeping with a committee on the judiciary to prejudge any proposals until the record is written. I am sure that we will write a full and complete record, such that will give all Members of Congress the basic facts upon which they can finally work their will. That procedure is, of course, in accordance with the best traditions of America.

Mr. RODINO. Mr. Chairman, I concur in the statement which you made wholeheartedly and feel that these hearings will justify the need for a resolution such as the one you have introduced.

The CHAIRMAN. Mr. Rogers?

Mr. ROGERS. Mr. Chairman, inasmuch as these resolutions provide for Delegates to the House of Representatives, I am wondering if we can explore the idea, since these resolutions also provide that the President and Vice President be based upon the apportionment, as if they were respective States, as to whether or not we should also consider in this resolution the addition of a couple of Senators over in the U.S. Senate, because that is the most deliberative body that we have, and they can certainly express themselves over there. I think this is something for us to consider as we go along with these hearings.

The CHAIRMAN. Do you say the Senate is the most deliberative body?

Mr. ROGERS. They have unlimited debate, and as I understand the people of the District want to express themselves so that they have two Senators over there. If they are going to give us three Delegates in the House, I am sure they can express the interests of the people of the District of Columbia.

The CHAIRMAN. Do you want to change that to mean the most—

Mr. ROGERS. Talkative?

The CHAIRMAN. Lengthy deliberative body.

Mr. ROGERS. Yes, sir; splendid, Mr. Chairman.

The CHAIRMAN. Mr. Toll?

Mr. TOLL. Mr. Chairman, I am tremendously impressed by the statement of our distinguished chairman and I wholeheartedly support it.

The CHAIRMAN. Mr. Miller?

Mr. MILLER. Mr. Chairman, I think I will wait until I hear from my distinguished Senator, Senator Keating. I know I will be greatly enlightened on this matter.

The CHAIRMAN. Senator Keating, we will be very happy to hear from you. You are always welcome.

STATEMENT OF HON. KENNETH B. KEATING, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator KEATING. Mr. Chairman, I certainly appreciate that. I must admit to a certain feeling of nostalgia here. I want to express my gratitude to my colleague, Congressman Rogers, for the encomiums which he has heaped upon the Senate of the United States, and to all of you my gratitude for this opportunity to be heard.

I will try to be brief. If, Mr. Chairman, for the sake of brevity or because of a call, I should not complete my statement, I would ask that it be made a part of the record at this point.

The CHAIRMAN. Without objection, that will be done.

Senator KEATING. This is a very important day for the people of the District of Columbia. I am sure they are grateful that this subcommittee has met to consider a plight which they have faced for many, many years.

The subcommittee certainly is to be commended for the decision to meet and consider this problem. I am confident, on the basis of my long association with this committee during my service in the House, that it will be very sympathetic to the arguments it will hear in favor of granting the right of suffrage to the citizens of the District of Columbia.

I will leave it to the representatives of this community, who are represented here by many outstanding men and women, to explain the injustice of the District of Columbia's present predicament. I know they will have no difficulty in convincing the members of this subcommittee that it is wholly un-American to deny representation to an area of the country which exceeds in population, as the chairman has indicated, 12 States which have full representation rights in both the House and Senate. I know they will have no difficulty in convincing you that it is wholly undemocratic to deny representation to an area of the country which contributes more Federal taxes to the Federal Treasury than is contributed by any one of 25 States of the Union. I know they will have no difficulty in convincing you that it is wholly unjust to deny representation to an area of the country which contributed more men and women to the Armed Forces of our country during World War II than any 1 of 14 other States.

This is America. We do not believe in second-class citizenship. We do not believe in taxation without representation. We do not believe that men and women who are asked to risk their very lives for their country, should be denied the right to participate in its political processes.

I say to the members of this subcommittee that this condition is inconsistent with our principles, with our traditions, and with our aspirations. It implies to the rest of the world that we do not practice what we preach in our Nation's Capital. I know it is difficult to stir widespread concern for the problems of the residents of the District of Columbia. We all have our own constituents whose problems deserve and receive our primary attention. But this is in no sense just a matter of local concern. This condition impairs America's prestige throughout the world. This condition troubles Americans throughout our country. I know, for example, that it has received extensive editorial comments in newspapers in all parts of the United States. I know that the chairman has had my experience of receiving many letters on this issue from constituents.

In all of this comment, not a single argument appears against the proposition that the residents of the District of Columbia should be allowed to vote and enjoy representation in Congress. The only point of contention has been how much and what kind of representation is appropriate. In my view, the District deserves to have home rule, as well as national representation.

I share entirely the chairman's viewpoint which he expressed, that home rule and national representation are two separate and distinct matters. In my view, the District should have as many representatives in Congress as any other political unit of our Nation of similar population, and, in my view, those representatives should have the same powers and duties as any others, although as you probably realize, the resolution which went through the Senate did not prescribe what those powers and duties would be.

I realize that we shall have to compromise somewhere short of these ideals, as a practical matter. The resolution passed by the Senate was a compromise, worked out by a number of Members with a strong interest in this problem.

The CHAIRMAN. Will the gentleman yield?

Senator KEATING. Yes.

The CHAIRMAN. I think a great deal of credit is due to you because it was your amendment, I believe, that caused, as far as the Senate is concerned, the people of the District of Columbia to have a vote.

Senator KEATING. I appreciate that Mr. Chairman. I offered it on behalf of my colleagues, Senator Beall of Maryland, and Senator Case of South Dakota, and myself, at a time apparently when the climate was ripe for action in that field. I appreciate the comments of the chairman.

The joint objective which we had was to get as much relief as possible from the present condition. We succeeded by a cooperative effort in getting through the Senate a resolution which would give the District full representation in the electoral college and in the House of Representatives.

House Joint Resolution 529 does not go as far as the Senate-passed resolution. As I have indicated, under the Senate resolution, the people of the District would be entitled to "a number of Delegates to the House of Representatives equal to the number of Representatives to which they would be entitled if the District were a State." House Joint Resolution 529 would give the same representation in the House,

although the language is somewhat different. However, under the Senate-passed resolution, the people of the District would be entitled to a number of electors for President and Vice President—

equal to the whole number of Senators and Representatives in the Congress to which the District would be entitled if it were a State.

The CHAIRMAN. Will you again yield?

Senator KEATING. Yes, sir.

The CHAIRMAN. I believe your amendment provides for five Delegates.

Senator KEATING. It provided for the number of Delegates—

The CHAIRMAN. Five electors, I mean.

Senator KEATING. It would be the number of Delegates which the District would have Representatives if it were a State. It calls for a number of electors which the District would have if it were a State, which would be two more than the number of Representatives in Congress. Whether the District would have two or three Delegates under its present population is in dispute.

The CHAIRMAN. In other words you provide for two electors as the States have two electors because they have two Senators.

Senator KEATING. That is right.

Mr. ROGERS. Would the gentleman yield?

The CHAIRMAN. Yes.

Mr. ROGERS. In connection with my suggestion about Senators being named, wouldn't it be fair that if you are going to base this on a question of electorals, the number as you indicate if the population is such that they would be entitled to three Delegates, wouldn't they by the same token be entitled really to five votes rather than three because, as you point out, there are a number of States that don't even qualify for one, like Delaware, Vermont, Wyoming, and Nevada.

Senator KEATING. I am not sure I understand your question.

Mr. ROGERS. My question is: wouldn't it be just as easy to name two for the Senate and have the representation the same so that you will have the same equal number of electors for the District of Columbia as you would for all the States?

Senator KEATING. Do you mean to provide in the resolution for the election of two Senators?

Mr. ROGERS. Yes.

You have passed a resolution saying that you will have three Delegates here in the House. You haven't taken care of yourself at all. You haven't provided that the District of Columbia will have any voice in a coequal legislative body. Since you are going to limit the electors to the electoral college to a population basis, as you do the representatives, why wouldn't it be, if you want to be fair about it, fair to give two to the Senate and give them the same duties and responsibilities that you are going to give the Delegates?

Senator KEATING. I think that those who have studied this problem realize that to try to convert this into virtually a statehood bill, would cause complications of great magnitude, and that would be the effect of the suggestion which you have made; I am afraid.

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.

Mr. ROGERS. You want the House then, to take these three Delegates, and assign them some duties. But you are fearful that if you take a couple of Delegates to the Senate and assign them duties under the law that—

Senator KEATING. The assignment of duties later to the Delegates in the House would be by the enactment of a statute which would require action of both Houses. Until both Houses took such action, they would not have voting rights or committee rights or any other rights. It was by action of Congress, both Houses, that certain rights and duties were granted when Alaska and Hawaii were territories, to Delegates representing them.

I think this would envision, temporarily at least, the District would be in a similar status to what Alaska and Hawaii were at one time. There was never any suggestion in any of those cases that I ever heard of that there would be two Members of the Senate.

Mr. ROGERS. I think we all agree that what we are trying to do here is to give to the District of Columbia the right to vote for President, and that is the objective of this legislation.

As you make your statement, you don't want them to be second-class citizens. If they live outside of the District of Columbia, and they vote, they are entitled to vote for electors according to the population of the State, plus two U.S. Senators.

The only thing I am trying to ascertain from you is whether or not that same treatment shouldn't be given to the District of Columbia.

Senator KEATING. That is exactly what is given in the Senate resolution.

Mr. ROGERS. Then why don't you name a couple of Senators over there and let them equalize this.

Senator KEATING. I don't know whether you are serious, Mr. Rogers, but I am sure that everyone who studied this would agree that to attempt anything of that kind would be to kill this resolution by indirection.

Mr. ROGERS. You people have proven that we need three Delegates here. We want to reciprocate by giving you a couple of Senators.

Senator KEATING. You are very kind. There was never any such precedent and I would not advise it if any one is interested in this legislation.

We have encountered in the present civil rights debate in the Senate some efforts to knock out provisions by placing burdensome amendments on them. I am sure that such an effort in the House would end the legislation.

The CHAIRMAN. Suppose you continue with your statement, Senator.

Senator KEATING. Mr. Chairman, under House Joint Resolution 529, the District would only be entitled to the same number of electors as it would have Delegates in the House of Representatives. In other words, under any set of circumstances, House Joint Resolution 529 would give the District residents two less electors for President and Vice President than they would have under the Senate joint resolution.

In view of the other shortcomings of both resolutions—and I readily concede that the Senate resolution does not go as far as I personally would be willing to go—it seems to me that this further diminution

in the representation of the District of Columbia would be regrettable. I hope this subcommittee, or the full Committee on the Judiciary, will, in its wisdom during consideration of this matter in executive session, decide to adopt the language of the Senate resolution. That course has the merit not only of preferable language but also the practical consideration that it has already passed the Senate. And I share the views expressed here that the Senate does deliberate at length on the wording of these matters, and it would certainly expedite matters on the other side if their language were accepted.

At the same time, I want to make it clear that either resolution would dramatically improve the present situation. I will support, at every stage of this debate, the best resolution which is practically obtainable. If House Joint Resolution 529 is the best we can do, it will have my full support, and I can assure the committee that I will make every effort to process it through the Senate, once it passes the House.

We have delayed too long in remedying this shameful situation. The time for action is long overdue. I hope that this subcommittee will move promptly to report out an amendment and that before this Congress adjourns we will have bestowed upon the residents of our Nation's Capital their rights as members of the American community.

The CHAIRMAN. I want to thank you for your proffer of help. We need it. I want to state also that—

Senator KEATING. I appreciate those remarks. I am happy to be allied with the chairman in this effort.

Mr. McCULLOCH. Mr. Chairman, I would like to ask Senator Keating one question at this time.

I would like to ask the Senator if he believes that all territories and possessions of the United States, with a certain given population—whatever unit he might take—should have representation in the U.S. House of Representatives and in the electoral college?

Senator KEATING. I am not prepared to go that far yet. I really have never seriously thought about that. I suppose there might be some small possessions or territories with just a few people, and it would perhaps be unfair to give them representation in the House of Representatives. We have always thought of Alaska and Hawaii so much in this context, I don't know what we have now in the way of possessions and territories.

Mr. McCULLOCH. Among others, Puerto Rico, the Virgin Islands, Guam, but I will try to pinpoint the question just a little more.

If the population of any one of those territories or commonwealths or possessions reached a number which would be the average portion for representation in the House of Representatives, in your opinion, should they be given the right of representation in the House of Representatives and in the electoral college, as provided in this proposed legislation?

Senator KEATING. I wouldn't be prepared to give an offhand statement on that. I am strongly impressed with the general principle that those who are a part of the American community, whether residents of a territory or possession or of a State, should have a voice in their government.

I think each of those cases would have to be considered on its own. My inclination would be toward giving them a voice.

Mr. McCULLOCH. This same general principle is involved with respect to a citizen in any one of those places that I have mentioned as it is involved in the District of Columbia; is it not?

Senator KEATING. I would not say the same. The areas that are embodied in your question, as I understand it, are possessions or territories. The District of Columbia has a rather unique status. It is not called either a possession or a territory. So that it couldn't be said to have exactly the same status. It also is a geographical area in the middle of the mainland of the United States of America. A case could be made for representation by the District of Columbia which would not apply to some of these other areas. With that exception, I support the general principle that those who have to pay taxes and have to have their sons drafted into the Army, and that sort of thing, should have the right to vote and representation.

The CHAIRMAN. And subject to selective service.

Senator KEATING. Yes.

Mr. McCULLOCH. Exactly. And the same general questions with respect to your comment were advanced when we were considering statehood for Alaska and for Hawaii because they were not a contiguous part of the then continental United States. Weren't those same questions raised?

Senator KEATING. They were advanced. They weren't advanced by me because I always favored statehood for both of them. But those arguments were advanced.

Mr. McCULLOCH. So if we solve this problem, we haven't solved the problem for all citizens of the United States of America, have we?

Senator KEATING. No. This is limited solely to the District of Columbia.

Mr. HOLTZMAN. Mr. Chairman.

The CHAIRMAN. Mr. Holtzman.

Mr. HOLTZMAN. I would like to ask Senator Keating whether it would not be wiser to proceed with an overall program than to limit it at this point, because it seems to me that it would be the principle that would be the determining factor, rather than the District of Columbia per se.

Senator KEATING. You are aware, Congressman Holtzman, of the practical problems involved in getting anything through by a two-thirds vote. I make the same comment to that suggestion that I did to the one of Congressman Rogers, that any effort such as that would destroy the legislation. It would have the effect of killing it by indirection.

I don't necessarily voice opposition to the basic principles that you are enunciating, but I do feel that as a practical matter you would never get a two-thirds vote in the Senate, and perhaps not in the House if you tried to pass a constitutional amendment applicable to all the possessions and territories of the United States.

The CHAIRMAN. Senator, if we attack this on a general front, as it were, as implied by the question of the gentleman from New York, wouldn't we be opening up a Pandora's box of complexities and undoubtedly delays?

Senator KEATING. No question about that. We have had a little bit of discussion about the right to vote in the Senate lately, and the House had this problem before them, and some of the same factors would enter into that which enter into this.

Mr. McCULLOCH. Mr. Chairman, if I might make a comment on your statement, I would like to say this very activity is, of necessity, going to open up a Pandora's box, if that is what it is, if we are to provide equal justice to all citizens of all locations when we get a number sufficient to demand it. Isn't that right?

Senator KEATING. Except that—

Mr. McCULLOCH. We can't quit here if a fundamental human concept is concerned, can we?

Senator KEATING. I don't know that you can quit anywhere. But we have always treated the problems of our territories and possessions and other areas over which we maintain jurisdiction as separate problems, and have never tried to combine them all in one.

Statehood for Alaska and Hawaii was conferred separately. It is conceivable that at some time the District of Columbia might be a State but there is certainly no movement now to do that. It is conceivable even that there might be other possessions and territories which might sometime become a State.

Mr. McCULLOCH. If I might interrupt, do you believe that this is the forerunner for proposals and pressures for statehood for the District of Columbia?

Senator KEATING. I do not believe that. I have never heard those who advocate this, claim that the District should be a State. There may be some who do. I may not be entirely familiar with that. There may be those who advocate statehood for the District bill. I have never heard that seriously advanced.

Mr. McCULLOCH. Do you believe that this is the entering wedge for local self-government in the seat of the National Government?

Senator KEATING. No. The two movements for that are quite separate and distinct. The home rule bill, so called, passed the Senate as well as this resolution in this Congress, and is now pending here. But the two are separate and distinct.

The CHAIRMAN. As a matter of fact as far as I know, with reference to our possessions, commonwealths, or whatever you may call them, aside from Puerto Rico I don't know whether there have been any requests from, say, the Virgin Islands or Guam to be treated as we are attempting to treat the District of Columbia by way of this resolution.

Senator KEATING. I am not familiar with any, Mr. Chairman, but it might have happened. It has never come to my attention.

Mr. RODINO. Mr. Chairman.

The CHAIRMAN. Mr. Rodino.

Mr. RODINO. Might it not be wiser, Senator, to lay down a general formula for this type of representation rather than try to fit just the pattern of the District, in view of the fact that these questions do arise as to when maybe the territories or other possessions might be coming in requesting the same?

Senator KEATING. I would say to my colleague from New Jersey that I would prefer to see that done in the report on the resolution. I think if you try to get into any such broad far-reaching resolution as

that, you invite many problems, including a great problem of draftsmanship. I would rather see that dealt with in the report on this resolution, and have another resolution dealing with this specific problem.

Mr. TOLL. Will the gentleman yield?

Mr. RODINO. May I ask one more question.

I have heard it stated by some of the people who are interested in home rule for the District that this would be the opening wedge, because once they would have the right to representation and have people who would be interested in a voice on the floor, then naturally you would have spokesmen who would urge this home rule.

Senator KEATING. I have heard that advanced. I have heard the argument advanced, and I have no doubt that the opposition to this resolution, which was less than a third of the Senate, had that in mind; because the same people who oppose that, by and large, oppose home rule for the District, although there are a good many who favor this approach who do not favor home rule.

I happen to favor both.

I don't think that that is a valid argument. I respect the views of those who say every person should have the right to vote for President and Vice President but that the District isn't ready, or there are complications and so on about home rule, complete home rule.

I don't agree with that argument, but I respect many who advance it and there are a good many who favor this approach who do not favor home rule.

The CHAIRMAN. Will the gentleman yield?

The District had home rule way back in 1870.

Senator KEATING. That is right.

The CHAIRMAN. So the one really has no relationship to the other.

Senator KEATING. No, because when they had home rule they didn't have the right to vote for national representation.

Mr. RODINO. Mr. Chairman, I would like to make clear for the record that I, too, favor home rule. I hope that if this is adopted, this resolution, that possibly this could be a [inaudible].

Senator KEATING. Again as a practical matter I would hate to have that argument made, because, after all, in order to pass a constitutional amendment you have to get a two-thirds vote. Two-thirds is sometimes not easy to come by.

I really think that the two matters are entirely separate and distinct.

Mr. HOLTZMAN. Will the gentleman yield?

Mr. RODINO. Yes.

Mr. HOLTZMAN. Senator, you discussed Alaska and Hawaii, and pointed out that when Hawaii became a State practically automatically the pressure was on and therefore Alaska became a State.

Senator KEATING. I think it was the other way around, as I remember.

Mr. HOLTZMAN. In any case, statehood for one brought about statehood for the second. You sort of indicated that they were divisible items. And again I get back to what I asked, what the gentleman from New Jersey asked: Is it not a fact that we had a bill embodying statehood for both? Could we not have passed this bill with the same dispatch that we pass them individually, were it not for some intrasituation within the Congress?

Senator KEATING. There was a bill linking them together. But some of the opposition to that method of procedure was not by those who didn't favor statehood, but who didn't like that way of doing it.

If we can avoid it I wouldn't want to see this get into any hassle of that kind.

Mr. TOLL. As I understand it, you feel that due to the greater sentiment and the greater likelihood of the passage of this kind of a bill, this kind of an amendment, even though it might amount to a precedent for other similar actions later, that this should be kept separate from other complications.

Senator KEATING. Yes, I do. That is exactly right.

Mr. MILLER. Mr. Chairman.

The CHAIRMAN. Mr. Miller.

Mr. MILLER. Senator, does your Senate resolution contain the same language as the House resolution with respect to the powers and duties of the delegates or representatives, that is, that these powers may be determined later by Congress?

Senator KEATING. Yes.

The CHAIRMAN. In offering the resolution in the Senate, and in having it passed by the Senate, what is your intent or hope or aspiration? That they be voting representatives or that they be, as in the case of the territories, like Puerto Rico and so forth, nonvoting delegates?

Senator KEATING. I personally think they should be voting representatives. That is a personal opinion. There are many who favor this who do not favor at least as yet making them voting representatives.

The CHAIRMAN. Is that the reason why you phrased the resolution the way it is?

Senator KEATING. Yes, it was practical. I grant that. It was partly out of deference to the House of Representatives, because if they are to serve in that body, perhaps the House should act first on what their duties and responsibilities should be.

Mr. MILLER. Let me ask you this, from a purely practical standpoint: If it should be the census of opinion in the House that the delegates should be voting members, the easiest procedure would be to so specify in the resolution, rather than having a constitutional amendment and then having the Congress determine the question of whether or not the delegates will be voting or nonvoting. If in the House we prescribed in the resolution that the delegates were to have voting powers just as Representatives from the States, do you think this would possibly harm the chances of the resolution being passed in the Senate?

Senator KEATING. I do. I would favor just exactly what you have suggested there. But I would be fearful that it would cause complications in the Senate, and I am positive it would lead to lengthy discussion.

Mr. MILLER. Why should the Senate object if the House is willing to have the delegates within its own House have the right to vote? Why should that be a difficult thing for the Senate to swallow?

Senator KEATING. That is a fair question. But I think you will conclude that that would cause complications even in the House, and that it would be easier to get a majority vote later by statute, pre-

scribing their responsibilities and duties, than it would to get the two-thirds vote necessary for the constitutional amendment, and that it would also possibly cause complications in getting three-fourths of the States to ratify.

That is, I think, a major consideration. On top of that, in answer to your precise question, the Senate does not always follow what it is expected to, and those who oppose this whole procedure, even giving this much to the District, could use that as a vehicle for a very lengthy discussion which might kill the chances of passage. I would be very sympathetic to what you have advanced, but I would again place it in a category somewhat like these other proposals, although not as much so; as a practical matter I would hate to see it done.

Mr. HOLTZMAN. Mr. Chairman.

The CHAIRMAN. I don't want to cut anybody off. But we have many witnesses this morning. Unless there are any further questions, we again thank you, Senator.

Senator KEATING. I certainly have enjoyed being here. I have always enjoyed my association with you, Mr. Chairman, and the members of this committee.

Mr. ROGERS. May I congratulate the Senator on his diligence in following this matter, and exploring with you further the possibility of having two nonvoting delegates on that side of the House.

Senator KEATING. I will explore the matter.

The CHAIRMAN. Our next witness is our distinguished Representative from the State of New York, and my colleague from Brooklyn, Congressman Abe Multer.

STATEMENT OF HON. ABRAHAM J. MULTER, A REPRESENTATIVE IN THE CONGRESS FROM THE STATE OF NEW YORK

Mr. MULTER. I would be in favor of making Brooklyn a State.

You would have my vote. It is always a pleasure to be here, Mr. Chairman, and I appreciate the invitation extended to me to give you my views on this important piece of legislation.

May I say at the outset that I appreciate the statement made by the chairman with reference to the home rule discharge petition, which, incidentally, happens to be my petition No. 2 at the desk, and at the same time take issue with the statement that has been made here that the two problems are different problems.

They are the identical problem, even though it is essential that they be treated differently, because of the legislative technicalities involved. The greater weight of legal opinion seems to be that the only way we can give to the residents of the District of Columbia the right to vote for President and Vice President, and the right to representation in the Congress, is by constitutional amendment. On the other hand, none seem to deny but that home rule can be granted to the District of Columbia by legislative enactment through the usual procedure of a bill being passed by both Houses and the President affixing his signature to it.

When it comes to the further technicality of whether or not we can muster two-thirds in support of the constitutional amendment, let me indicate to you that the platforms of 1956, of both parties, urge representation for the residents of the District of Columbia, both by

home rule and by representation in the Congress, and by the right to vote for President and Vice President.

That points up the fact that I think all will agree that at least in the free countries of the world, those that believe in democracy with the small "d" and the republican form of government, with the small "r," as we subscribe to it and advance it, will agree that government is not set up to govern people, but is set up by people so that they can govern themselves. And if we start with that premise we necessarily subscribe to the principle that brought this country into being as a free country; that taxation without representation is tyranny.

May I most kindly call the attention of this committee to the political facts of life? And if they sound partisan, please understand they are not of my making, because I have done my best and will continue to do my best to see that both home rule for the District and representation in the Congress, and the right to vote for President and Vice President, will remain on a bipartisan basis with bipartisan support.

But when we hear the argument that you may not be able to muster a two-thirds vote of the Congress in support of this very fundamental principle, I am constrained to call your attention to the fact that although it is in both national political platforms alike, Republican and Democratic platforms of 1956, and I am sure if the legislation is not enacted at this Congress they will be in both in 1960—they will be in both 1960 platforms.

The CHAIRMAN. The trouble is that a platform is nothing to step on. It is something to get in on, as I understand it.

Mr. MULTER. I appreciate the humor with which the chairman makes that statement. From my long experience with him I know that he doesn't subscribe to that. I hope most of the members of this committee do not. And I know that the American public is very fast getting educated and getting to the time when they are going to point their finger, and do more than point a finger, at the politician or statesman or the man who runs for public office on a promise which he forgets the day he takes his oath of office.

I think this is the year when many people will be called to account for not having fulfilled their promises. And this is one of the platform pledges that I think people are going to call Members of the Congress to account for if they don't implement it.

In that connection, as I started to say, if we take the home rule petition on the House desk—

Mr. MILLER. Mr. Chairman, might I suggest that the member restrict his remarks to this resolution instead of the home rule bill, because we certainly have a lot of witnesses and it will only complicate the issues if we have too much testimony on home rule.

The CHAIRMAN. I am in favor of home rule, and a good many members of the committee are. I do hope that the gentleman will confine himself to the resolution before us.

Mr. MULTER. I intend to, and it will not complicate the issue to call the attention of this committee, and to all concerned, that of the 187 signatures on the petition for home rule, only 26 percent of the Republicans have signed it and 80 percent of the Democrats have signed it. Now, that is the practical side of the situation.

Mr. McCULLOCH. Mr. Chairman and members of the committee, of course, there has been a great deal of talk down through the years about Members of Congress signing petitions to discharge committees of further consideration of bills that may be before them. I have had a long legislative service at both the State and National level. At the State level, I served as the minority leader of my party, and as speaker of the House of Representatives of the State of Ohio, longer than any man who ever served in that position.

By reason of that experience, and by reason of certain other fundamental convictions that I have, I do not sign petitions to discharge committees of further consideration of bills, whether they be bills which I have introduced and sponsored, or whether they be bills introduced and sponsored by others. I am sure the chairman and the members of this committee know that that was my position on the civil rights bill which I sponsored along with the chairman and which left this committee on August 20, 1959, but which did not have a rule until late February or early March of 1960.

I just want the record to show that there are many people with long legislative experience who do not follow the practice of signing petitions to discharge committees of further consideration of bills.

The CHAIRMAN. However, I don't want to let the impression to go forth that signing of a discharge petition is something unorthodox. It is prescribed in the rules. It is a deliberate method by which a bill can be pried loose from the Committee on Rules. Since it is in the rules, it was the result of great deliberations on the part of the House itself. There is no stigma attached to anybody signing a discharge petition because it is in the regular performance of his duties, and he has the right and sometimes he may have the duty, if his conscience so dictates, to sign that discharge petition.

Mr. MILLER. Mr. Chairman, I am very sorry that the gentleman from New York has seen fit to inject partisan politics into this issue as far as the District of Columbia is concerned. I, of course, support your resolution, Mr. Chairman, and in addition thereto I am in full accord with your statement. There is nothing unorthodox, nothing unusual, about signing a discharge petition. I just happen also to agree with my minority leader, Mr. McCulloch, that as a matter of practice I don't sign discharge petitions. That is not the important point. The important point is that the same argument could be made about the signatures which were attached to the civil rights discharge petition. And yet, when the civil rights bill passed the House, it passed the House with a vote of over 90 percent of the Republicans, and you can't say the same about the Democrats.

The CHAIRMAN. Now the shoe is on the other foot.

Mr. MILLER. So I think that when this resolution passes the House it will pass with a greater majority of Republican votes, percentage-wise, than Democrats. So we won't talk about the discharge petition, I hope, from now on.

The CHAIRMAN. Let's forget about that and get down to business.

Mr. MILLER. Let's talk about the resolution. I agree.

Mr. MULTER. Mr. Chairman, I think I have touched upon a spot that is quite sore and vulnerable to some of our colleagues. Again I say it is not of my making. If the only way that we are going to get members of both parties on the record to show whether or not they are

supporting that which they say they support, it will probably be necessary to have a discharge petition. And there is where the noses will be counted, because before they vote on the record, under a rollcall—

Mr. MILLER. Are you talking about this resolution that we are considering now?

Mr. MULTER. Yes. I am pointing up the facts of life with reference to this resolution.

Mr. MILLER. You don't think this committee is going to pass this resolution out?

Mr. MULTER. I didn't say that at all.

Mr. MILLER. What are you talking about when you talk about a discharge petition?

Mr. MULTER. If you will let me finish my statement you will probably grasp the point I am trying to make.

Mr. MILLER. Are you talking about home rule again?

Mr. MULTER. I am talking about this resolution before this committee and the basic principle which is the same in both instances.

Mr. MILLER. Do you think we are holding these hearings for nothing, that it will be necessary to have a discharge petition?

Mr. MULTER. I have been in Congress too long not to know why hearings are held and which hearings will be effective and which will not be effective.

The CHAIRMAN. Let the witness complete his statement.

Mr. MULTER. The fact of the matter is, whether we like it or not, "a voice" is not representation. And whether that voice is on the political platform or in Congress, it is not representation. A voice, as a voice, is guaranteed to the citizens of the United States, even to those in the District of Columbia, by the right given to them by the Constitution, to petition their Congress.

We know that the filing of a petition with the Congress does not redress any wrongs or correct any of the injustices or inequities that prevail, either in the District of Columbia or elsewhere. So that when you consider this resolution I beg of you, don't be concerned with whether or not you are going to get the two-thirds vote if and when the bill gets to the floor, or the resolution gets to the floor.

Let's address ourselves to these fundamental principles for which we declare we stand, and put them into a resolution that will do more than just give voice to the citizens of the District; let's give them the right that they should have, which is the right to govern themselves, the right to participate in the Government of their country.

They have a right to vote for President and Vice President. They have a right to vote for representatives in both Houses of Congress. And when electing those persons to represent them in the Congress, giving them the right to introduce a bill or to argue or to debate in committee or on the floor is not giving them their basic right of representation in Government unless those representatives elected to both Houses of Congress will also have the right to vote for them, for and against bills.

The CHAIRMAN. I take it you are for the principle of the right of franchise, the full right of ballots to the people of the District of Columbia. But you don't mean to imply thereby that you would not, as a first step, shall I say, adopt the resolution which we are now considering?

Mr. MULTER. Of course, I would not take the position that we shouldn't take this step by step. I have learned the hard way that good legislation is the result of compromise. And if you fight for every last thing you are entitled to, you may get none of it. So you take it step by step.

Mr. HOLTZMAN. Mr. Chairman, at that point, I wonder if our colleague from New York would not, in line with his most recent statement, join with Mr. Rogers, Mr. Rodino, and the gentleman from New York in saying that it would be better to set up a broad platform that would be all embracing, and then have the situations meet each particular instance, rather than select the District of Columbia, omit Puerto Rico, omit Guam, omit any other of our possessions. Doesn't the gentleman think that would be a better way?

Mr. MULTER. That would be the ideal way. It would be the better way. Whether Senator Keating, who preceded me as a witness, is right or not, I am not prepared to say as to whether or not you could get all of that at one time.

Certainly, however, in considering this bill now, which as it applies solely to the District, we ought to at least be sure that we are going to give the people of the District all of their rights, and not a little piece.

We gave them the right to nominate by electing delegates to the conventions. What good is the right to nominate if you don't also have the right to elect? We gave them that little piece. We held out some bait to them, and said, "Here, be satisfied, we will let you elect delegates," as we did in 1956 to the national conventions, "so they can nominate candidates for you." That is only giving them a little piece, but you don't follow through and say we will also give you the right to choose the President and Vice President on election day.

The CHAIRMAN. I want to say in comment to the question offered by my distinguished colleague from New York, for whom I have high regard, that if we attempt to make something in the nature of a general constitutional amendment here it is going to involve us in a great deal of controversy. Our objective is to grant some modicum of relief to the people of the District of Columbia, namely, grant them some form of ballot; in this instance, the right to vote in Federal elections. If we are going to be bogged down with all manner and kinds of controversies that would arise if we have some general proposition, I am going to repeat what I said in this committee not long ago, and those who heard me will forgive the repetition: Cervantes once said that by the street of Bye-and-Bye you get to the house of Never. And if we do anything of the type that is suggested by the gentleman from New York, we will never get anything done whatsoever.

We have an opportunity now, and we should get right down to work and seize time by the forelock. The session is getting short. If any action is to be accomplished it must be accomplished now. And if there is any postponement I fear that it will be postponed indefinitely and no relief will be granted.

In that connection I am going to ask all witnesses to be as brief and cogent as possible. We have a long line of witnesses. I am going to ask the members of the committee to be brief in their questioning, and if possible I am going to ask the witnesses to submit their statements. The remaining session is very short. I hope to get action before we conclude this Congress.

But if this matter is going to be drawn out, if these hearings are going to be drawn out, I am afraid we are going to meet with all kinds of obstacles.

I would ask that the witness, in self-interest, in favor of this legislation, be brief, and that applies to every witness, whether they are Members of Congress or nonmembers of Congress.

Mr. MULTER. Mr. Chairman, I will conclude with the recital of some facts which I think you should have in the record, and with which facts no one I am sure can find fault.

In the District of Columbia today we have in excess of 850,000 residents. That is more than the population of 12 States: New Hampshire, Vermont, North Dakota, South Dakota, Delaware, Montana, Idaho, Wyoming, Nevada, New Mexico, Alaska and Hawaii.

That 850,000 population in the District of Columbia is more than the combined total of Alaska, Nevada, and Wyoming. Those three States have nine Representatives in the Congress. By that I mean one each in the House of Representatives and two each in the U.S. Senate with the full right to not only voice their opinions and introduce bills, but to vote.

In World War II the District of Columbia sent more persons into the armed services, voluntarily as well as by virtue of the draft, than many of the States whose citizens have full right to vote and full representation in the Congress.

In 1924 the United States appropriated to the District of Columbia, to the operation of the District of Columbia, more than 40 percent of its budget, at a time when the total budget for the United States was in excess of, or just about, \$3 billion. Today, with our U.S. national budget approximately \$75 billion, the Congress is appropriating only 11 percent of the governmental budget for the District of Columbia. With proper representation in the Congress I think a better job would be done for our National Capital.

That National Capital, incidentally, has been the model, to some degree at least, for every major republic of the free world, with this distinction: in every one of those capitals their citizens have the full right to vote for all officials of their government, with full right of representation in their Congress or their Parliament.

I think that we can do no less, Mr. Chairman.

Mr. TOLL. May I make an inquiry of that figure of 850,000?

Doesn't that include one-third of the people who vote in their hometowns?

Mr. MULTER. I think that is correct.

Mr. TOLL. You want to eliminate them from this picture, do you not, so that you won't lose the constituents who help you get into Congress?

Mr. MULTER. Those people who are voting back home, if given the right to vote, I think they cherish that privilege and that right and will not give it up simply because they live in the District, where they are earning their livelihood and actually living day in and day out; they would vote here rather than at home.

Mr. TOLL. And they would lose their sponsorship.

Mr. MULTER. Isn't that what we mean by self-government?

Mr. HOLTZMAN. If they lost their sponsorship from the respective States, certainly they would have new sponsorship from the District of Columbia, isn't that so?

Mr. MULTER. We do hope so.

The CHAIRMAN. The 850,000 are residents of the District of Columbia; they can vote outside the District of Columbia, either in Virginia or Maryland?

Mr. MULTER. I think the census figure includes those who reside within the District but maintain their original residences in their original domicile for voting purposes.

Mr. Chairman, if I have hurt anybody's feelings, I am sorry.

That is my statement, sir.

The CHAIRMAN. Are there any questions?

Mr. MILLER. I have one question.

You talked about this resolution and home rule. Of course, you understand that home rule is not before this committee, don't you?

Mr. MULTER. No; it is not.

Mr. MILLER. That is before the District Committee.

Mr. MULTER. That is correct.

Mr. MILLER. You have a discharge petition on that issue?

Mr. MULTER. That is correct.

Mr. MULTER. A discharge petition would be unnecessary if the committee reported the bill out, would it not?

Mr. MULTER. If this committee reports this resolution?

Mr. MILLER. If the District Committee reported the bill out on home rule you would not need a discharge petition.

Mr. MULTER. No; we would not need a discharge petition.

Mr. MILLER. All you need is a majority vote on the District Committee to report it out?

Mr. MULTER. Yes.

Mr. MILLER. What is the complexion of the District Committee, Democrats and Republicans?

Mr. MULTER. If you eliminate the southern Democrats—

Mr. MILLER. No, no; Democrats and Republicans?

Mr. MULTER. Don't try to put words in my mouth.

The CHAIRMAN. I thought we would have a cessation of politics.

Mr. MULTER. May I answer the question? I think the question carries a connotation which requires an answer, otherwise we will get a record that is not fair.

The complexion of the District Committee is such that the southern Democrats, who traditionally have made pledges during the course of their campaigns against home rule for the District, will not vote for it, and will not sign a discharge petition; but if the northern Democrats and northern Republicans on that committee join together, we can vote it out. And if they sign the petition we can get it before the House. That is the situation there.

And on the other hand you will have the same situation in the Rules Committee with reference to this very resolution as you had with reference to civil rights. You will probably have to pry this loose from the Rules Committee by getting almost enough signatures on a discharge petition before you will get it out of Rules.

The CHAIRMAN. Mr. McCulloch?

Mr. McCulloch. Mr. Chairman, I want to make one further statement with respect to a petition to discharge a committee, because, in my opinion, its use is so important in our legislative process. This isn't my judgment of a moment or of a day, Mr. Chairman. This I strongly feel: the necessity, if any there be, for a petition to discharge a committee of further consideration of a bill indicates either a lack of an abiding interest in the proposed legislation on the part of the majority leadership in the House, be it Republican or Democratic, or a loss of at least a part of the power of leadership.

The CHAIRMAN. Reasonable minds may differ on that. I don't think we need enter into controversy on that.

Thank you very much, Mr. Multer. We always are happy to have you with us.

I notice in our audience the distinguished Governor of Puerto Rico. I understand you wish to make a statement, and that you will be very brief.

Will you step forward?

STATEMENT OF HON. LUIS MUÑOZ MARÍN, GOVERNOR OF PUERTO RICO

Mr. MUÑOZ MARÍN. Thank you, Mr. Chairman.

I am very grateful for the opportunity, and I will be brief.

I want to say that I speak not as Governor of Puerto Rico—and not even as a Puerto Rican—but rather, on this occasion, as a citizen of the United States.

As such, I am fully in favor of the legislation—the proposed legislation to give the District of Columbia not only the right to vote in Federal elections, but a right such as contained in the Senate bill to elect delegates to Congress that then shall have those powers in the House as the Congress itself will assign to them.

I had been very interested in the proposal made by some of the members, which I certainly fully agree with, that the same principle should be extended to all citizens of the United States living anywhere under the American flag, to vote in the presidential elections, and to elect delegates to Congress that would have such powers as the Congress itself might grant to them.

The CHAIRMAN. Governor, you have a Resident Commissioner now in the House of Representatives?

Mr. MUÑOZ MARÍN. That's right.

The CHAIRMAN. Nonvoting?

Mr. MUÑOZ MARÍN. That's right.

The CHAIRMAN. The people of Puerto Rico—the citizens of Puerto Rico—do not have the right to vote for presidential elections?

Mr. MUÑOZ MARÍN. Not in presidential elections. We have no problem of home rule. The Commonwealth of Puerto Rico has complete internal home rule, so that is no problem in Puerto Rico.

Mr. McCulloch. Mr. Chairman, I have a question.

What is the latest estimate of the population of Puerto Rico?

Mr. MUÑOZ MARÍN. 2,300,000.

Mr. McCulloch. What is the population of the District of Columbia?

The CHAIRMAN. 800-odd thousand.

Mr. MUÑOZ MARÍN. I would say, Mr. Chairman, as a citizen of the United States and speaking as such, that there is an opportunity to give every citizen of the United States, wherever he or she may live, provided they are not living in a foreign country, the right to participate in the election of the President of the United States and the Vice President.

So far as delegates in Congress are concerned, I would say that those delegates should have full voting rights, in my opinion, if they represent a community of American citizens that pay Federal taxes fully, and they should not have the right to vote on taxes if they represent a community of American citizens, such as the Commonwealth of Puerto Rico, that does not pay taxes into the Federal Treasury.

Mr. ROGERS. In that regard, Governor, you have a certain provision now in your Commonwealth which permits you to make certain concessions as relate to taxes; do you not?

Mr. MUÑOZ MARÍN. We have fiscal autonomy—meaning we can pass laws regarding local taxes with complete freedom.

Mr. ROGERS. Don't you also enjoy a certain privilege in relation to the income taxes?

Mr. MUÑOZ MARÍN. We pay—basically speaking, we pay no income taxes into the Federal Treasury. We just exercise our right over local taxation. In exercising our power of local taxation, we decide to exempt certain industries for a number of years in order to stimulate—as we have been stimulating very rapidly—the industrial growth of the Commonwealth.

Mr. ROGERS. Would this immunity from the so-called Federal income tax vanish if you were permitted to vote for President?

Mr. MUÑOZ MARÍN. Certainly not. That is precisely what I am trying to—

Mr. HOLTZMAN. Would the gentleman yield?

I think the Governor has said that with respect to these taxes he would want his Commissioner or his representative precluded from participating in such a vote so that there would be no conflict. Is that so?

Mr. MUÑOZ MARÍN. It would be fair that the delegates from the Commonwealth of Puerto Rico to the Congress do not vote on taxation, since their constituents are not called upon to pay such taxes.

On the other hand, it would be fair for the delegates from the District of Columbia to vote on taxation, too.

The CHAIRMAN. Governor, I want to make this comment, and I will be very frank with you.

According to your theory, all citizens should have the right to vote for presidential electors. That means citizens on the Samoa Island territory, the island of Guam, a territory, the island of Puerto Rico, a Commonwealth, Virgin Islands and Wake Island, would all have the right to vote in presidential elections. I assure you, if we put anything at all in this bill, the bill will never get off the ground and will die aborning.

We have to approach these matters piecemeal. It is unfortunate, but if we want any action we cannot consider your proposition. I express that right at the outset. I deeply sympathize with what you are saying, and perhaps we can get to your proposition a little later on.

Mr. MUÑOZ MARÍN. I am just expressing my support of the principle involved in this matter. I think that American citizens in Guam should have the right to vote for President. The American citizens of the Virgin Islands should have the right to vote for President. However, I realize—

The CHAIRMAN. You appreciate that gives rise to all kinds of complexities and difficulties.

Mr. MUÑOZ MARÍN. I wouldn't propose, at this time, that the present legislation before your committee be amended to include the Commonwealth of Puerto Rico, or others, because I know it would just introduce a new element at this date and endanger its approval. Since you so kindly invited me—with my general interest in this problem, since you so kindly invited me to express myself here, I have been very happy and grateful for the opportunity of saying that this would solve one of the unsolved problems in the U.S. Federal system: the problem of having some American citizens precluded from voting for President of the United States.

You see, the principle of no taxation without representation is not involved, since the President of the United States does not impose taxes.

The CHAIRMAN. Let that be our goal. We don't have to approach it immediately and all at once.

Thank you very much, Governor.

Mr. MUÑOZ MARÍN. Thank you very much, Mr. Chairman.

The CHAIRMAN. We always like to have you with us.

Our next witness is our distinguished Representative from the State of Virginia, Mr. Joel T. Broyhill.

STATEMENT OF HON. JOEL T. BROYHILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. BROYHILL. Mr. Chairman, in compliance with your request, and in deference to the many outstanding citizens of our Nation's Capital who are here and who want to testify on this legislation which is so vital to them, I will file my statement for the record and make just a few brief comments concerning the legislation.

The CHAIRMAN. You may have that privilege.

(The statement follows:)

STATEMENT OF REPRESENTATIVE JOEL T. BROYHILL OF THE STATE OF VIRGINIA

Mr. Chairman, I am happy to state that I am fully in accord with the principles incorporated in House Joint Resolution 529, of which you are the author. I have long believed in and consistently supported the right of the citizens of the District of Columbia to have the same right and privilege of voting for the Chief Executive of this Nation as citizens in other parts of the country have.

If anything, I would go a little further than the provisions of this bill, and I would like respectfully to suggest your consideration of a modification that would be important to the citizens of the District, and I believe also to the long-term settlement of the problem.

By the terms of House Joint Resolution 529, the District would be given an electoral vote equivalent to what it would receive for its Representatives in the House if it were a State. This, of course, would still leave the District with comparably less representation than a State of similar population, and accordingly leaves the question only partially solved.

I believe, if the District is entitled to representation in the election of the President and Vice President at all, this representation should be on the same basis as for a State of equivalent population. The apportionment should include electors equal to "the whole number of Senators and Representatives" to which the District would be entitled as a State. To provide less would be to leave the question only partially settled, and the citizens of the District would continue to consider themselves only partially enfranchised citizens.

Frankly, I would be more than willing, since we are talking about a constitutional amendment, to go the whole way and provide for full representation in both Houses of Congress. However, in order not to becloud the issue, I will content myself at this time to urge your consideration merely for full representation for the District in the presidential elections.

As you undoubtedly know, I introduced House Joint Resolution 151 during the first session of this Congress in which the suggestion I have just made is stated. In simplest terms, this resolution states: "The people of the District constituting the seat of the Government shall elect a number of electors of President and Vice President equal to the whole number of Senators and Representatives in the Congress to which the District would be entitled if it were a State." Although there is other language in the resolution, most of it is substantially the same as the equivalent clauses in House Joint Resolution 529.

Both House Joint Resolution 151 and House Joint Resolution 529 are based upon an assumption of what congressional representation the District would have if it were a State. Thus, there is no difference in the principle underlying each. Certainly, if it is accepted that electoral college representation can be based upon such an assumption for part of the congressional representation to which the District would be entitled as a State, it is at least equally logical to base it upon the entire representation to which it would be so entitled.

Although the question of home rule for the District is not directly involved in this hearing, it has always been most difficult to separate the two in any discussion. Those who support the right of District citizens to vote for President, or to have representation in Congress, but at the same time to oppose home rule, are frequently charged with inconsistency. Since I am one of these, I would like to take this opportunity to state that I do not believe my stand is inconsistent, but rather is the only really consistent stand for one very good reason.

Washington, D.C. is a very special city and quite unlike any other city in the Nation in the eyes of Americans and foreigners alike. Other cities are thought of as belonging to those who live in them, or as belonging to the State in which they lie; Washington is thought of as belonging to every citizen in the entire Nation. It does not logically follow from this special position of Washington that a citizen living in the city should cease to be a citizen of the United States, but it does seriously affect his right to do with the city of Washington whatever he wants to do.

As a citizen of the Nation, he is entitled to vote for President and Vice President, and to have representation in Congress. Therefore, I support legislation that would give him these rights. But the fact that a citizen lives in the Nation's Capital should no more give him special privileges with respect to that Capital and its government than it should deprive him of the right to vote for President or to be represented in Congress.

If the Federal City were to be governed by the people living within its boundaries, it would be only natural that they would operate the city in a way most beneficial to themselves irrespective of the interests of the 180 millions of others who also have an interest in their Nation's Capital. It would be just as human for them to do so as it is for people living along the seashore or near other tourist sites to make the most of the natural attraction for their own use. But we can't have this sort of thing for our National Capital.

I could give many other reasons why I oppose home rule for the people of the District, but favor the extension to them of the right to vote for President and to be represented in Congress. Most of these have been repeated time and time again by myself and others, and including before this committee. But I think the one overriding argument that I have given above is enough in itself to justify my opposition to home rule.

However, Mr. Chairman, may I once again respectfully urge that serious consideration be given to giving the District residents full citizenship with respect to voting for the President and Vice President of the United States.

In the hopes that this committee will consider substituting the wording of House Joint Resolution 151 instead of the wording of House Joint Resolution 529, I am attaching a copy explaining the provisions contained in it, and of how it would operate.

EXPLANATION OF CONSTITUTIONAL AMENDMENT PROVIDING FOR PARTICIPATION BY THE DISTRICT OF COLUMBIA IN PRESIDENTIAL ELECTIONS

Article II, section 1 of the Constitution provides that each "State shall appoint * * * a Number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress * * *." The 12th amendment to the Constitution prescribes how these electors shall vote for President and Vice President.

The amendment proposed by the Broyhill resolution provides that the people of the District of Columbia shall elect a number of electors "equal to the whole number of Senators and Representatives in the Congress to which the District would be entitled if it were a State." These electors would be in addition to those now "appointed" (actually, of course, they are all elected, but the Constitution provides that they shall be "appointed" in such manner as the State legislature may direct) by the States; each State would be entitled to the same number of electors after the adoption of the amendment as it was entitled to before its adoption.

The amendment would entitle the District of Columbia to a number of electors equal to the number of Senators and Representatives it would have if it were a State. Under the 17th amendment, each State is entitled to two Senators; under section 2 of article I of the Constitution, each State is entitled to at least one Representative. Therefore, the District would be entitled under the proposed amendment to at least three electors. Whether it would be entitled to more at any particular time would depend on three factors: (1) the constitutional provision mentioned in the next paragraph, (2) laws enacted by Congress to supplement those provisions, and (3) the population of the District.

Article I, section 2 of the Constitution (along with the 14th amendment) provides that Representatives shall be apportioned among the States according to population, as determined by a census taken every 10 years. The Congress has provided by statute (2 U.S.C., sec. 2a) that the number of Representatives shall be fixed at 435, and that the 435 seats shall be apportioned among the States by "the method known as the method of equal proportions, no State to receive less than one Member". To determine the number of Representatives the District of Columbia would have today if it were a State, it would be necessary to make a fictitious reapportionment of seats in the House of Representatives for all the States, considering the District of Columbia as the 51st State, on the basis of the 1950 census, using the "method of equal proportions". Presumably, this would result in two seats for the District, so the District would be entitled to four electors (two Senators plus two Representatives). It should be emphasized that this reapportionment of seats would be for the sole purpose of determining the number of electors the District would be entitled to; of course, the District would not actually have two seats in the House, and no change would actually be made in the number of Representatives or electors any State would have.

The amendment provides that electors chosen by the District of Columbia "shall be considered, for the purposes of all provisions of the Constitution relating to the election of President and Vice President, to be electors appointed by a State". This would apply to the District electors such provisions as the fourth paragraph of section 1 of article II of the Constitution ("The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States") and the 12th amendment ("The Electors shall meet in their respective states—in this case, in the District of Columbia—and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves—in this case, the District of Columbia—* * *") and so on, down through the requirement that the person elected as President or Vice President must have a majority of "the whole number of Electors appointed—including, of course, those elected by the District of Columbia—* * *").

It should be noted that the amendment provides for representation for the District of Columbia in the electoral college, but not in the House of Representa-

tives. The 12th amendment provides that if no candidate receives a majority of the votes cast in the electoral college, the President shall be elected by the House of Representatives. Since the District would not be represented in the House, it could not participate in any such election, if one ever should occur.

Section 2 of the proposed amendment provides that Congress shall have power to make all laws necessary to carry out the amendment, including laws fixing the qualifications of the District electors, "which shall be consistent with the provisions of the Constitution relating to electors appointed by the States." The quoted language would disqualify any Senator or Representative, or person holding an office of trust or profit under the United States, because under section 1 of article II of the Constitution no such person may be appointed as an elector by a State.

Mr. BROYHILL. In adding a few words to this statement, I will try, Mr. Chairman, not to be repetitious of the wonderful statements made by my colleague from New York.

My primary purpose in appearing here this morning is to express my strong support of the principles outlined in House Joint Resolution 529, which has been introduced by the chairman.

This is not controversial legislation, Mr. Chairman; it is good legislation. And as Senator Keating stated, it should have been passed long ago.

I have not talked to one single colleague—and, Mr. Chairman, I have talked to many colleagues about this proposal because I have been interested in it for many years—but not one colleague has stated that he would vote against a constitutional amendment to provide a vote in presidential elections for the citizens of the District of Columbia.

I am afraid, Mr. Chairman, during the past years there has been some confusion concerning this proposal and I hesitate to allude to the subject of home rule due to the admonishment of the chairman, but there is a lot of confusion, a lot of disagreement about that subject.

The question of the constitutionality of home rule, the intent of our forefathers, the national interest, is involved in the home rule question, but such is not the case in House Joint Resolution 529. First of all, there is no question of the constitutionality of the proposal because we are taking the constitutional processes to amend the Constitution. Not even the Supreme Court could misinterpret the intention of Congress in this respect. And certainly it would not involve a conflict of Federal or national interest.

It would not infringe upon the rights of other American citizens or lessen the rights of other American citizens. And, as has been pointed out here by previous witnesses, both of our great national parties have recognized the inherent basic American rights of the citizens of the District of Columbia to vote in presidential elections. They have for a number of years granted them a full vote to their national conventions at which we nominated our candidates for the President of the United States.

I do have a couple of brief comments, Mr. Chairman, to make concerning House Joint Resolution 529, though they are in no way intended as a criticism of the proposal; I support it. But I consider it may not be a full loaf. If it comes to the floor, it will certainly have my support. But I believe, since we are going through the long and painful processes of a constitutional amendment, we should try

to do the job as completely as we can, and give the citizens of the District of Columbia their full quota in the electoral college.

I notice that the chairman has attempted to follow normal constitutional processes in drafting his resolution in that he feels that we should give the citizens of the District of Columbia representation in the Congress and then give them votes in the electoral college based upon that representation in the Congress. Maybe that has been one of our problems in the past, Mr. Chairman, that we have had too much controversy as to what and how much representation the people in the District of Columbia should have in the Congress, and that this has delayed their getting the right to vote in presidential elections.

I believe that the language of the Senate resolution—and incidentally, Mr. Chairman, without stressing pride of authorship, I have had a practically identical proposal for constitutional amendment before this committee for the last three Congresses—in the language of these proposals, we divorce the controversy over the problem of national representation from the vote for President and Vice President. The language is very similar. We simply state that the citizens of the District of Columbia would have the same votes or the same representation in the electoral college that they would have if the District were a State of the same population.

So we don't get involved in the controversy of whether we should have two Members in the Senate or two Members in the House, or whether they should have full voting participation or not. We merely state, if it were a State, if it were a State of 800,000 or 840,000 people, the District would have so many votes in the electoral college by virtue of the fact it would have two Senators and possibly two Representatives. Since we restrict this to representation in the electoral college, we don't get involved in the argument of what representation the District should have in the two bodies of Congress.

Mr. ROGERS. Will the gentleman yield?

Mr. BROYHILL. Yes.

Mr. ROGERS. I take it from your statement that you want the people of the District of Columbia to enjoy all of the privileges that other citizens of other States may have as it relates to the number of electoral votes in the electoral college; that is to say, we know that every State has at least three electoral votes?

Mr. BROYHILL. That is correct.

Mr. ROGERS. And you would insist that the District of Columbia have at least three?

Mr. BROYHILL. That is correct.

Mr. ROGERS. And by apportionment of the population it should be determined that they would be entitled to, say—suppose the census at this time shows there should be one Representative for every 400,000 people, and if there were 1,200,000 in the District of Columbia, that would be 3 Representatives, and then you would be entitled to 5 electoral votes in the electoral college; is that your theory?

Mr. BROYHILL. That is correct, Mr. Rogers.

Mr. ROGERS. You also know that the proposals of the Delegates could be given duties according to acts passed by Congress. Do you at this time envision that the Congress would give full voting rights to the Delegates that may be selected?

Mr. BROYHILL. That, I think, Mr. Rogers, is highly questionable, and that is the reason why I have proposed and I am suggesting now that the committee separate the question of Delegates or representation from this.

The chairman pointed out that we don't want to get involved in controversy here. The only controversial portion of it would be as to how much voting rights they should have.

You suggested a while ago to Senator Keating the possibility of having two Members of the Senate.

Mr. ROGERS. Yes.

Mr. BROYHILL. I believe they should have. But I would not suggest that you put it in this resolution and then take the chance of having it killed in the Senate.

I would suggest, Mr. Chairman, that you would pass two separate proposed constitutional amendments, one to give them the full voting rights in the electoral college, and the other one to give them full national representation, or rather, to authorize the Congress, later, to grant them full national representation. That would divorce the controversial portion of the resolution from your resolution.

Mr. MEADER. Mr. Chairman?

The CHAIRMAN. Mr. Meader.

Mr. MEADER. Mr. Broyhill, you represent the area in Virginia which was previously at one time—I guess before 1846 or some such year—a part of the District of Columbia, the 10-mile square.

Mr. BROYHILL. A portion of my district was originally a portion of the District of Columbia—that is, Arlington County and Alexandria.

Mr. MEADER. Have there been any adverse effects that have come to your attention from the fact that the Federal Government did, by statute, relinquish or retrocede that portion of the District of Columbia back to Virginia?

Mr. BROYHILL. Any—

Mr. MEADER. Adverse effects so far as the National Government is concerned?

Mr. BROYHILL. No, indeed. The fact of the matter is that if you tried to get it back, you would meet with some resistance from people over there, I believe.

Mr. MEADER. Have you given any thought to the possibility that similar action might be taken by the Congress by statute with respect to that portion of the District of Columbia which was ceded by the State of Maryland?

Mr. BROYHILL. Yes.

Mr. MEADER. And which would automatically give the citizens of the District of Columbia full voting rights, the same as any other resident of the State of Maryland?

Mr. BROYHILL. That has been suggested.

Mr. MEADER. Do you have any views on that method of dealing with this problem?

Mr. BROYHILL. Well, we have discussed it. There are several members of the District of Columbia Committee who would favor that. But I don't think the people of Maryland want that portion back.

Mr. MEADER. Why not?

Mr. BROYHILL. You will have to ask the people of Maryland.

Mr. Chairman, I might say in conclusion here, because I didn't intend to take quite so long—

The CHAIRMAN. We have many witnesses and I will ask you to be brief. Not that I want to cut you off, but the exigency demands that we be brief. Otherwise, we could go on with this hearing and on. I want to close these hearings tomorrow. That holds true of all the witnesses.

Mr. BROYHILL. I think the question of Delegates could be handled by legislation. I merely suggest, again for emphasis, if we are going to go through the constitutional processes, let's give them their full vote, and by all means a full vote in the electoral college without regard to the problem of national representation.

The CHAIRMAN. Thank you very much.

Our next witness is Hon. Robert E. McLaughlin, Chairman of the Board of Commissioners of the District of Columbia.

(A letter from Hon. John R. Foley, Member of Congress, is as follows:)

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 7, 1960.

Re House Joint Resolution 529 proposing an amendment to the Constitution of the United States granting representation in the House of Representatives and in the electoral college to the District of Columbia.

HON. EMANUEL CELLER,
Chairman, Subcommittee No. 5, Committee on Judiciary,
House of Representatives, Washington, D.C.

DEAR CHAIRMAN: I am writing to you in this way to support House Joint Resolution 529 because committee meetings precluded my appearance before your subcommittee which held hearings on this important resolution. It is a sad commentary on our modern times that there is a small group of citizens of the United States who have been denied a voice in the selection of the President and Vice President of our country. These same persons have been denied a voice in the Congress since 1874. Your resolution is thus praiseworthy in seeking to provide for this unrepresented minority of citizens' participation in national elections. It is my firm hope that your resolution will be reported favorably and will pass the House of Representatives at an early date by a unanimous vote.

I take this opportunity also to express my firm hope that the citizens of the United States who reside in the District of Columbia not only will be granted the rights that your resolution 529 provides but also that the Congress will take the final and equally important step of providing these same citizens with the opportunity to exercise their voice and vote in local governmental matters by congressional adoption of a home rule bill. Granting these two mutually exclusive important rights of U.S. citizens to District of Columbia citizens will elevate this citizenry to the high station proudly held by all other citizens of these free United States.

Very truly yours,

JOHN R. FOLEY.

STATEMENT OF HON. ROBERT E. McLAUGHLIN, PRESIDENT, BOARD OF COMMISSIONERS, DISTRICT OF COLUMBIA

The CHAIRMAN. Do you have a statement?

Mr. McLAUGHLIN. It is a very brief statement. Mr. Chairman, I think I could be briefer by reading it than trying to generalize.

The CHAIRMAN. How many pages is it?

Mr. McLAUGHLIN. Four pages, double spaced. One page of that is a proposed substitution for this proposed legislation that we are considering here this morning.

Mr. Chairman, we have transferred to the committee this morning a report on the bill. May it be included in the record?

The CHAIRMAN. Yes, sir, that will be included.

(The report on the bill is as follows:)

REPORT ON HOUSE JOINT RESOLUTION 529

APRIL 5, 1900.

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CELLER: The Commissioners have for report House Joint Resolution 529, joint resolution proposing an amendment to the Constitution of the United States granting representation in the House of Representatives and in the electoral college to the District of Columbia.

This resolution proposes an amendment to the Constitution providing that the people of the District shall elect in such manner and under such regulations as the Congress shall provide by law a number of Delegates to the House of Representatives to have such powers as the Congress by law may provide. The number of Delegates would be determined in the manner employed in determining the number of Representatives. The proposed amendment also provides for the election by the people of the District of a number of electors of President and Vice President equal to the whole number of Delegates to the House of Representatives to which the District is entitled under the article.

Historically, all Delegates to the House of Representatives have been provided for by acts of Congress. Since the resolution proposes an amendment to the Constitution which provides for Delegates to the House of Representatives from the District, a question might arise as to whether it is intended that such Delegates have full voting rights in the House, notwithstanding that the proposed amendment provides that such Delegates would have such powers as Congress by law determines. To avoid any possible doubt about what powers the elected Representatives are to have, it is the view of the Commissioners that their powers should be spelled out in the amendment itself.

While the resolution would be an improvement over the present situation, the Commissioners cannot endorse it in its present form. The Commissioners feel that the people of the District should have representation in the Senate as well as in the House of Representatives with the same powers and duties as Senators and Representatives from the States.

They therefore recommend that the article of amendment be amended to read as follows:

"ARTICLE —

"The people of the District constituting the seat of the Government of the United States shall elect, in such manner and under such regulations as the Congress shall provide by law:

"Two Senators to represent the people of said District in the Senate of the United States, such Senators to have the same rights, powers, and duties as if the said District were a State;

"One or more Members of the House of Representatives to represent the people of said District in the House of Representatives, the number thereof to be determined according to the rules of apportionment established by law for representation from the several States in the House of Representatives, such members to have the same rights, powers, and duties as if the said District were a State; and

"A number of electors for President and Vice President equal to the whole number of Senators and Representatives in the Congress to which the District is entitled by virtue of this article; such electors shall possess the qualifications required by article II of this Constitution; 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 cast their ballots as provided by the 12th article of amendment."

The Board of Commissioners has heretofore urged, and still urges, enactment of their bill (H.R. 4400 or one of a number of other identical bills) providing for an appointed Governor, an elected legislature, and an elected non-

voting Delegate for the District in the House of Representatives. To give the people of the District representation in the electoral college and in the Congress requires a constitutional amendment and necessarily involves a considerable period of time. To bestow upon the people of the District the benefits of a territorial form of government requires only the enactment of legislation by the Congress and is possible of much earlier attainment. Both measures are of the greatest importance to the people of the District, but action on one should not depend on action or lack of action on the other.

Brig. Gen. A. C. Welling, the Engineer Commissioner, has refrained from taking part in the formulation of this report.

Time does not permit securing the views of the Bureau of the Budget as to whether this report is in accord with the program of the President.

Yours very sincerely,

ROBERT E. McLAUGHLIN,
President,

Board of Commissioners, District of Columbia.

Mr. McLAUGHLIN. At the outset I wish to express to the chairman, as author of House Joint Resolution 529, appreciation for his concern for the plight of the voteless people of the District of Columbia. Also, I extend to this committee sincere thanks for its cordial invitation to the Commissioners to discuss the resolution.

The reason I want to read this short statement is that I want to be sure that the position of the Board of Commissioners is clearly presented this morning.

As is well known, Mr. Chairman, in addition to being without representation in either House of Congress and without the right to vote for electors in the electoral college, the people of the District are suffering from the lack of any form of local suffrage. The need first mentioned may be met only by constitutional amendment but the resolution before the committee proposes an amendment to accomplish only a part of the objective. Local suffrage can be conferred by an act of Congress, and bills on this subject are being considered by the Congress.

The proposed constitutional amendment provides that the people of the District shall elect, in such manner and under such regulations as the Congress shall provide by law:

A number of Delegates to the House of Representatives to serve during each Congress determined by the method for determining the number of Representatives "with such powers as the Congress, by law, provides"; and

Such number of electors of President and Vice President as is equal to the whole number of Delegates in the Congress to which the District would be entitled under this article.

It is not clear from the resolution itself whether it is intended that the Delegates are to have voting rights. This doubt arises for two reasons. First, if it be intended that these Delegates are not to have voting rights, no constitutional amendment is necessary. Secondly, the title of the resolution speaks of representation in the House of Representatives. Assuming, however, that the Delegates could be empowered by Congress to vote in the National Legislature, it is my view—and I should say it is the view of the Board of Commissioners—that it would certainly be more desirable from the standpoint of the people of the District that the amendment itself spell out that such Delegates shall have voting power.

The CHAIRMAN. In other words, you don't want to leave it to Congress' discretion?

Mr. McLAUGHLIN. Mr. Chairman, I say later on that I naturally favor this resolution in its present form if we can't have it in some other form. However, it has seemed to us and to the corporate counsel in his extensive study of the bill and the possible effect that this language might have later as to the question of the power of the Congress later on to extend voting rights if they are not written into the amendment, that we should call this to the attention of the committee and ask that it be written into the amendment.

The CHAIRMAN. Very well.

Mr. McLAUGHLIN. Unquestionably, inclusion in the amendment itself of the voting power in the Delegates would preclude any possible future contention of lack of authority in the Congress to confer the power.

In the opinion of those who feel that the people of the District of Columbia are entitled to a status equal to that of other Americans in respect to representation in the National Legislature, the resolution falls short of an important objective in that it makes no provision for representation in the Senate.

Since the passage of the resolution in its present form would be a great step forward—

The CHAIRMAN. If you have the resolution before you, on page 2, line 10—do you have it?

Mr. McLAUGHLIN. Yes, sir.

The CHAIRMAN. According to your suggestion on line 10, with such powers, including the right to vote, as the Congress, by law, provides.

Mr. McLAUGHLIN. Yes, sir.

Since passage of the resolution in its present form would be a great step forward from the present backward position in the political field in which the people of the District find themselves, I naturally favor it. Nevertheless, in good conscience, I must advise the committee that it would be very much preferable that the resolution be amended so as to provide for the people of the District voting representation in both Houses of Congress.

Let me emphasize, however, that the Board of Commissioners has heretofore urged, and still urges, enactment of their bill—H.R. 4400 or one of a number of other identical bills—providing for an appointed Governor, an elected legislature and an elected nonvoting Delegate for the District in the House of Representatives.

The CHAIRMAN. What bill is H.R. 4400?

Mr. McLAUGHLIN. That was Congressman O'Konski's bill. It happened to be the easiest number to remember of a score of bills that were introduced, identical bills. That is the reason we have used that.

The CHAIRMAN. I don't believe that bill is before this committee.

Mr. McLAUGHLIN. No, sir; it is not. We are merely bringing out the point again, Mr. Chairman—

Mr. HOLTZMAN. Is this a home rule bill?

Mr. McLAUGHLIN. This is the only way we can speak to the Congress.

The CHAIRMAN. That is the home rule bill.

Mr. McLAUGHLIN. That is the home rule bill; yes, sir. It is only in appearing before these committees that we can speak to the Congress.

To give the people of the District representation in the electoral college and in the House of Representatives, as provided in the resolution, requires a constitutional amendment and necessarily involves a considerable period of time. To bestow upon the people of the District the benefits of a territorial form of government, as set forth in H.R. 4400 and in similar bills, would require only the enactment of legislation by the Congress and is therefore possible of much earlier attainment. Essentially, both measures are of the utmost importance but action on one should not be influenced by action or lack thereof on the other.

In lieu of the constitutional amendment set out on page 2 of the resolution, the Board of Commissioners submits the following:

“Article —

“The people of the District constituting the seat of the government of the United States shall elect, in such manner and under such regulations as the Congress shall provide by law:

“Two Senators to represent the people of said District in the Senate of the United States, such Senators to have the same rights, powers and duties as if the said District were a State;

“One or more members of the House of Representatives to represent the people of said District in the House of Representatives, the number thereof to be determined according to the rules of apportionment established by law for representation from the several States in the House of Representatives, such members to have the same rights, powers and duties as if the said District were a State; and

“A number of electors for President and Vice President equal to the whole number of Senators and Representatives in the Congress to which the District is entitled by virtue of this Article; such electors shall possess the qualifications required by Article II of this Constitution; 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 cast their ballots as provided by the twelfth article of amendment.”

Brig. Gen. A. C. Welling, the Engineer Commissioner, has refrained from participating in the formulation of these views.

Mr. Chairman, I wish to say that the Engineer Commissioner traditionally refrains from participating in the political proposals made by the Board of Commissioners.

The CHAIRMAN. In other words, what you are seeking is the following: We give you an inch, and you want a yard.

Mr. McLAUGHLIN. No, sir.

The CHAIRMAN. I doubt if you will get it, Commissioner. Let's not fool ourselves.

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.

Mr. McLAUGHLIN. We considered this very carefully, Mr. Chairman.

The CHAIRMAN. It may be the most you will get. I will put it that way.

Mr. McLAUGHLIN. The Board of Commissioners considered this very carefully.

The CHAIRMAN. One thing more. This is an opportunity you have now; seize it. I say to the witnesses, if you don't seize it now you may not get anything and it will be a long time before this committee will start any hearings again on this matter. I am going to warn people of that.

Mr. McLAUGHLIN. If I may say one more thing, the Commissioners considered this very carefully. We feel ourselves in a position of trust with respect both to the Congress and to the people of the District of Columbia. In years to come—this is a proposal to change the Constitution of the United States. We cannot see the difference between the people, citizens living in the District of Columbia and the citizens living across the lines in the States.

Therefore, in years to come, we feel that it would be regarded an erroneous attitude for the Board of Commissioners to come up here and take a position short of the position that we feel the Congress should take with respect to a constitutional amendment involving the inhabitants of the District.

Mr. MEADER. Mr. Chairman?

The CHAIRMAN. Mr. Meader.

Mr. MEADER. Mr. Commissioner, what is the population of the District of Columbia at the present time?

Mr. McLAUGHLIN. It is between 830,000 and 850,000.

Mr. MEADER. Do you have any means of telling how many of those people that you count among that 850,000 retain their residence in the States from which they come and still vote there?

Mr. McLAUGHLIN. The only way we have, Mr. Chairman, is by getting indications from the political parties here as to the number of absentee ballots that are cast. This is a couple of years old, but I would say it is in the vicinity—it is over a hundred thousand, I believe, that are still voting by absentee ballot in their home districts.

Mr. MEADER. Do you think it would be appropriate for the Congress, in the event the Celler resolution is adopted, to take into account in fixing the number of delegates only those residents of the District of Columbia who do not vote, or maintain their residence back home?

Mr. McLAUGHLIN. I should think the Congress should have some latitude for measuring that because this is such a unique territory here. However, it seems to me, just as some one has said heretofore at this hearing, that there are many citizens here who retain their vote back home merely because there is no vote here, and they feel they want to vote for President and Vice President and have some political franchise.

Mr. MEADER. Mr. Commissioner, you heard my question to Representative Broyhill about the retrocession of the Virginia part of the District. What is the sentiment of the people who live in the District with respect to retrocession of the Maryland part of the District to the State of Maryland?

Mr. McLAUGHLIN. It would be difficult, Mr. Meader, for me to say. I haven't asked that question around. Personally, I know that in Annapolis, during the past five years, there has been some expression that they would not want the District of Columbia back, and I think we

can see reasons for it politically why some of those people would not want us back.

Mr. MEADER. The retrocession, as a matter of fact, would give you home rule and the right to vote for President, Senators, and congressional representation, and all, could be done by statute. Isn't that correct?

Mr. McLAUGHLIN. That is true. I testified in response to a question before the other committee with respect to home rule that if we cannot get home rule here I feel it would be a better thing to do than leave this city in the voteless condition it is in now. But I can't say that a majority of the people of the District feel that way because, frankly, we haven't conducted any questionnaires on the subject, and I really don't know how they feel about that.

Mr. MEADER. Your personal feeling is that retrocession would be the way to handle it; is that correct?

Mr. McLAUGHLIN. My personal feeling is that there is an advantage in giving us home rule and keeping this all just as it is; I mean, keeping it as the permanent seat of the Government and under Congress. I personally feel that there is such a paramount interest in the way the Nation's Capital is run in the Federal Government that the Congress should always retain this ultimate legislative power.

However, I say again that if it is impossible to produce home rule here and local rule by the citizens living here, under present conditions, I personally would favor its going back, at least outside the Federal Triangle.

The CHAIRMAN. Thank you very much, Commissioner.

Mr. McLAUGHLIN. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness is Mr. F. Elwood Davis, chairman of the Citizens Joint Committee on National Representation for the District of Columbia.

Mr. Davis, you have a rather long statement. Do you want to submit it and then give us the epitome of it?

STATEMENT OF F. ELWOOD DAVIS, CHAIRMAN, CITIZENS' JOINT COMMITTEE ON NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

Mr. DAVIS. Mr. Chairman, I will file my statement.

As you will recall, 10 days ago I appeared before you and asked for this hearing, and you were kind enough to grant it.

(The full statement follows:)

STATEMENT OF MR. F. ELWOOD DAVIS, CHAIRMAN, CITIZENS' JOINT COMMITTEE ON NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA, ON HOUSE JOINT RESOLUTION 529

Mr. Chairman and members of the committee. I am F. Elwood Davis, and I am appearing here as the chairman of the Citizens' Joint Committee on National Representation for the District of Columbia which was organized in 1917. Since that time virtually every civic, business, labor, and patriotic organization in the District of Columbia and numerous national organizations have joined to support the joint committee in its efforts to secure for District residents a vote for President and Vice President and representation in Congress. We know of no group in Washington which opposes this objective.

We believe that the committee will want for themselves and the record historical and background material bearing on this issue. I will devote the first part of my statement to this subject.

The District of Columbia owes its origin to section 8 of article I of the Constitution which enumerates the powers of Congress. Among those powers is the following:

"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."

The District of Columbia was established under the authority and direction of acts of Congress approved July 16, 1790, and March 3, 1791. Maryland in 1788 and Virginia in 1789 had made cessions from which the 10-mile square area lying on either side of the Potomac River at the head of navigation was selected.

This 10-mile square area contained two municipalities—Georgetown and Alexandria. Georgetown had been laid out in 1752 and incorporated in 1789 and had a population of 2,993 in 1800. Alexandria had been founded in 1749, incorporated in 1790, and had a population of 4,971 in 1800. Boundaries of the original city of Washington, while never fixed by statute or proclamation, are to be found in the trust deeds from the original proprietors and on the maps made by the Commissioners. They may be described in the following terms in the present city:

The east bank of Rock Creek to approximately P Street NW., thence along Florida Avenue to 9th Street NW., and continuing to 15th Street NE. Along 15th Street NE., from Florida Avenue to C Street NE.; up C Street NE., to the Anacostia River; and then the Anacostia River and the Potomac River back to Rock Creek.

The first of the Government offices moved to the District was the Post Office Department, which moved to the city on June 11, 1800. The second session of the Sixth Congress convened here on November 17, 1800.

Up to 1801, no government had been provided in the District and the laws of Maryland and Virginia continued in force under the provisions of the act of July 16, 1790, which provided that "The operation of the laws of the State within such district shall not be affected by this acceptance, until the time fixed for the removal of the government thereto and until Congress shall otherwise by law provide."

In an act of February 27, 1801 (2 Stat. L. 103) Congress made the first provisions for the District's government. The laws of Maryland and Virginia were continued in the sections ceded by those States. The portion ceded by Maryland was designated Washington County, and the area south of the Potomac was named Alexandria County. A circuit court was created, provision was made for a marshal, a district attorney, justices of the peace, a register of wills and a judge of the orphans' court. A supplementary act passed 4 days later (2 Stat. L. 115) provided that the justices of the peace, who were appointed by the President, were made a board of commissioners for their respective counties and given the same powers as the levy courts or county commissioners in the State of Maryland.

On May 3, 1802 (3 Stat. L. 195) the people of the city of Washington, the boundaries of which I have already described, were constituted a body politic by the naming of the mayor and council of the city of Washington. The mayor was appointed by the President and the council was elected by the qualified voters. From 1812 until 1819 the mayor was elected by the city council and then from 1820 until 1871 he was chosen by popular election.

In 1846, at the request of the people of Alexandria, Congress retroceded to the State of Virginia all the portion which had been ceded to the Federal Government by that State (9 Stat. L. 35).

The unsettled conditions at the outbreak of the Civil War probably caused the first attempt at unification of governmental functions in the District of Columbia in the act of August 6, 1861 (12 Stat. L. 320), which established the Metropolitan Police Department of the District of Columbia consisting of the "Corporations of Washington and Georgetown and the County of Washington, outside the limits of said corporations."

The first really major change in the government of the District was effective June 1, 1871, when a government essentially the same as that used for the organized territories was created pursuant to the act of February 21, 1871 (16 Stat. L. 419). At that time the charters of the cities of Washington and Georgetown were repealed. The levy court was abolished and all the territory in the limits of the District of Columbia was included in the government by the name of the District of Columbia which was constituted a body corporate for municipal purposes and the successor of the two cities and the county which were eliminated.

This same act provided that the executive power in the new government was vested in a Governor appointed by the President and with the advice and consent of the Senate. The legislative power was vested in an assembly consisting of a council and a house of delegates. The council consisted of 11 members appointed by the President by and with the advice and consent of the Senate, and the house of delegates consisted of 22 members elected by popular vote. Nevertheless, the legislative assembly was limited in its authority, since Congress prescribed a long list of important matters which were beyond the authority of the local agency.

Between 1871 and 1874, while the territorial government was in force, there was a delegate to the House of Representatives from the District of Columbia who was popularly elected and had the same rights and privileges as the delegates from the territories.

The act of June 20, 1874 (18 Stat. L. 116), terminated the territorial form of government, eliminated all elective offices, and since there was no occasion to exercise the right of suffrage, in effect terminated suffrage in the District. The same act repealing the territorial form of government empowered the President to appoint a commission of three persons to administer the affairs of the District. The act of June 11, 1878 (20 Stat. L. 102), known as the Organic Act, established the present commission form of government. However, no provision was made for the franchise for any purpose.

Since 1800, citizens of the District of Columbia have not participated in national elections. It is acknowledged that residents can only be given the privilege of voting through an appropriate amendment to the Constitution which would provide the necessary machinery.

It seems appropriate, therefore, to review the intent of our Founding Fathers concerning the voting rights and privileges of the residents of the area to be selected for the National Capital.

The seat of the Federal Government was not established until after the Constitution was written by the Convention which met in Philadelphia from May to September 1787.

Following the Constitutional Convention, between October 1787 and August 1788, a series of essays was published in the New York press with a view to influencing votes to favor ratification of the proposed Constitution. These Federalist papers were written by three authors: Alexander Hamilton and John Jay of New York and James Madison of Virginia.

Because Madison more than anyone else had been responsible for the content of the Constitution, his contributions to the Federalist were regarded as most authoritative commentaries on the proposed document. Thomas Jefferson described the Federalist in 1825 as "an authority to which appeal is habitually made by all, and rarely declined or denied by any as evidence of the general opinion of those who framed and of those who accepted the Constitution of the United States, on questions of genuine meaning."

Among the 85 essays making up the Federalist, No. 43, written by Madison, deals with miscellaneous powers which the Constitution proposed to grant to Congress. One such power was authority over the seat of Government found in article 1, section 8, clause 17, of the Constitution. In interpreting and seeking to justify "the indispensable necessity of complete authority at the seat of the Government." James Madison stated that the prospective inhabitants of the Federal City, "will have their voice in the election of the Government which is to exercise authority over them."

This statement means exactly what it says—that they would have their voice in the election of the Government * * * . The Government to which he referred in this clause must have been the Congress of the United States, for the section of the proposed Constitution which he was then explaining was that which gave Congress exclusive authority at the seat of National Government.

Thus, the chief architect of the Constitution, who it must be assumed was familiar with the intentions of the Founding Fathers, evidently understood its pertinent provisions to mean that the citizens of the Federal District would enjoy national suffrage even though that was not spelled out in the Constitution itself.

The Constitution of the United States makes specific statements concerning suffrage rights of citizens pertinent to this discussion.

The 14th amendment states in part: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

The 15th amendment to the Constitution provides: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude."

The 19th amendment provides: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of sex."

There is nothing in the Constitution declaring that the right of citizens of the United States to vote shall be denied or abridged on account of residence in the National Capital. The citizens of the District have an absolute and constitutional right to exercise suffrage, but no machinery has been set up, and District residents are without legal residence in a State. We find ourselves in this position because the Constitution failed to give any political status to us and failed to empower the Congress to correct this shortcoming.

It is hard to believe that those who had rebelled and waged a successful war against "taxation without representation" would intentionally create at the seat of the new Government a condition duplicating that to which they so strenuously objected.

Now I will proceed to comments on House Joint Resolution 529, the matter before the committee.

It is essential that it be clearly understood that the resolution does not make the District of Columbia a State or anything like a State. It does not modify the unique relationship between the Congress and the District of Columbia provided for by article I, section 8, clause 17, of the Constitution, which is commonly referred to as the "congressional jurisdiction" clause. The issues involved in home rule for the District are entirely separate and distinct from the issues involved in this proposed constitutional amendment.

The purpose of House Joint Resolution 529 is twofold. First, it provides the machinery through the electoral college for the people of the District to vote for President and Vice President; and second, it provides for Delegates to the House of Representatives from the District.

Several questions have been asked of our committee in regard to the contents of the resolution, and I would, therefore, like to review with this committee the answers that we have given to the following questions:

1. How will the number of Delegates from the District be determined?

Under the resolution, the method of determining the number of delegates from the District is the same as that used in determining the number of Representatives from each State—that is to say, the method of equal proportion or any other method currently employed for determining the number of Representatives shall be used in determining the number of Delegates. The method of equal proportion referred to in the resolution is presently provided for by an act of Congress set forth in sections 2(a) and 2(b) of title 2 of the U.S. Code. (The practical application of this method is spelled out in a report known as "Methods of Apportionment" by E. V. Huntington, on pp. 3 through 7 of S. Doc. 304 of the 76th Cong.)

2. What will be the qualifications for Delegates?

We have advised in answer to this question that the resolution does not expressly set forth the qualifications for Delegates.

We recommend that the amendment clearly spell out the qualifications for Delegates. If the qualifications are not incorporated in the amendment, we would suggest that this committee set forth in its report its intentions regarding such qualifications.

With regard to qualifications, the most prudent course would be to follow the mandate of article I, section 2, of the Constitution establishing qualifications for Representatives in Congress. Such precedents as are available indicate that this has been the practice of the Congress except where deviations have been necessary to meet peculiar local conditions. As applied to the District, the qualifications as established by article I, section 2, of the Constitution would be that no person shall be a Delegate who shall not have attained to the age of 25 years and been 7 years a citizen of the United States, and who shall not, when elected, be an inhabitant of the city of Washington, District of Columbia; further, that the provisions of article I, section 6, pertaining to immunity and compensation, would be applicable.

3. Does the amendment make adequate provision for legislative implementation and, if so, what form would such implementation take?

These questions have been addressed to the following language of the resolution:

"The people of the District * * * shall elect [Delegates] in such manner and under such regulations as the Congress shall provide by law." [Such Delegates shall have] "such powers as the Congress, by law, provides * * *"

"The Congress shall have power to enforce this article by appropriate legislation."

We have advised that the foregoing language grants ample power to implement the amendment. We have further advised that the foregoing language contemplates action by both the House of Representatives and the Senate and concurrence by the President as in the case of a law.

4. Could the Delegates have voting rights?

Our answer has been in the affirmative.

Under its existing general powers, Congress could provide for nonvoting Delegates from the District of Columbia. It is a major purpose of this resolution to authorize Congress in its discretion to give such Delegates any of the powers enjoyed by Members of the House of Representatives, including the power to vote.

5. What are the qualifications required of an elector by article II of the Constitution which the resolution incorporates by reference?

We have advised that the only specific qualifications fixed by article II of the Constitution are in the nature of negative qualifications—namely, that the office of elector cannot be held by any Senator, Representative, or person holding an office of trust or profit under the United States. Otherwise, article II leaves the qualification of electors to the State legislatures.

In addition, we have advised that the 14th amendment, section 3, provides in part that no person may be an elector of President and Vice President who, having previously taken an oath to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. The Congress has the power, however, by a vote of two-thirds of each house to remove the disabilities established by section 3 of the 14th amendment.

In the case of the District, we have concluded that Congress, in its implementing legislation, must establish the qualifications for electors pursuant to the exclusive legislative authority given it under section 8, article I, clause 17, of the Constitution.

Mr. Chairman and members of the committee, we know of no good reason why House Joint Resolution 529 should not now be adopted. Our study of the records of hearings in both Houses of Congress for many years discloses no compelling basis of opposition. We find no valid objection to the principles of national representation for the District of Columbia in these documents.

The inability of the people of the District of Columbia to secure passage of a suitable resolution heretofore can only be attributed to disagreement respecting details in Congress. The resolution under consideration is certainly as noncontroversial as possible. Many details, as I have indicated, would remain to be determined by Congress after it and the required number of States have endorsed the broad principles composing the constitutional amendment we seek.

We urge this committee to conclude that the denial of the right to vote for President and Vice President and for representation in the House is a shameful and undemocratic practice which contradicts all that this Nation stands for both at home and abroad.

More than 800,000 Americans in the District are unable to participate and have a voice in our democratic government because of denial of the vote. That is a larger population than in each of 11 States who together send 22 Senators and 16 Representatives to Congress.

The residents of the District of Columbia for 1957 paid more toward support of the U.S. Government in Federal individual income taxes than did the residents in each of 19 States of this Union.

The District of Columbia furnished more men to the Armed Forces in World War II than were furnished by each of 14 States. The total of 103,376 men and women from the District was made up of 68,361 in the Army, 29,729 in the Navy, 3,966 in the Marine Corps and 1,320 in the Coast Guard. 3,029 residents of the District who served in the Armed Forces lost their lives in the defense of their country during World War II.

We submit that the residents of the District of Columbia who pay Federal taxes, serve in the Armed Forces and share all the obligations of other citizens should have the privilege of participating through the vote in their National

Government which levies the taxes they pay, enacts military service laws and regulates their lives in many other ways.

In concluding this statement, Mr. Chairman and members of the committee, I wish to present to you a petition to the Congress of the United States which reads as follows:

"Your petitioners, members of the Citizens Joint Committee on National Representation for the District of Columbia, whose names are subscribed below, hereby reaffirm the principles previously announced by the founders of our Republic that—

"Taxation without representation is tyranny;" that

"Governments derive their just powers from the consent of the governed;" and in order that

"Government of the people, by the people, and for the people" may become an accomplished fact for all the people of the United States, respectfully represent:

"That the totally disfranchised people of the District of Columbia, who obey national laws, pay more national taxes than many of the States; who likewise exceed several States in the manpower provided to the Armed Forces of the United States; and who are now living under an anomalous condition in which they have no voice in the National Government, are entitled to representation in Congress and in the electoral college, and to the basic rights which are enjoyed by other citizens of the Republic.

"We, therefore, respectfully petition this 86th Congress to enact legislation embodying the principles in House Joint Resolution 529 and Senate Joint Resolution 39 as they relate to amendment of the Constitution granting residents of the District of Columbia representation in the House and electoral college."

This petition is signed by the authorized representatives of subscribing organizations who could be contacted in the short period which was available. I submit for the record and for your additional information a list of all the organizations which have voiced support of the joint committee's objective.

The Citizens' Joint Committee on National Representation for the District of Columbia sincerely expresses its appreciation to this committee for calling this hearing and for considering the proposed constitutional amendment. Please adopt the principles incorporated in this resolution during this the 86th Congress.

INDIVIDUAL FEDERAL INCOME TAXES, 1957

Nineteen States including Alaska and Hawaii paid less in Federal individual income taxes than the District of Columbia:

<i>State</i>	<i>Income tax (in thousands)</i>
District of Columbia-----	\$213, 070

(LOWER STATES)

Alaska-----	\$38, 312	New Hampshire-----	\$101, 206
Arizona-----	183, 156	New Mexico-----	127, 330
Arkansas-----	133, 857	North Dakota-----	63, 730
Delaware-----	164, 399	Rhode Island-----	164, 769
Hawaii-----	101, 430	South Carolina-----	179, 898
Idaho-----	83, 035	South Dakota-----	63, 286
Maine-----	129, 248	Utah-----	123, 060
Mississippi-----	119, 481	Vermont-----	46, 491
Montana-----	109, 100	Wyoming-----	60, 955
Nevada-----	74, 276		

Source: U.S. Treasury Department, Internal Revenue Service.

ORGANIZATIONS SUPPORTING OR ENDORSING NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

LOCAL

Altrusa Club of Washington.
 District of Columbia Federation of Civic Associations, Inc.
 Washington Board of Trade.
 Federation of Citizens' Associations.
 District of Columbia League of Women Voters.
 Central Labor Union, AFL-CIO.

ORGANIZATIONS SUPPORTING OR ENDORSING NATIONAL REPRESENTATION FOR THE
DISTRICT OF COLUMBIA—Continued

Merchants and Manufacturers' Association.
 Monday Evening Club.
 Bar Association and Junior Bar Section of the Bar Association.
 Association of Oldest Inhabitants.
 Washington Real Estate Board.
 Advertising Club of Washington.
 Women's Bar Association.
 Federation of Business Men's Association.
 Twentieth Century Club.
 Women's City Club.
 District of Columbia Federation of Women's Clubs.
 Northeast Citizens' Association.
 Society of Natives of the District of Columbia.
 The Washingtonians.
 Motion Picture Theater Owners' and Operators' Association.
 Associated Retail Credit Men of Washington.
 Washington Florists' Club.
 District of Columbia Division, Young Democrats.
 Hotel Greeters of America, chapter 31.
 Newcomers Club.
 Soroptomist Club.
 Department of the District of Columbia, Veterans of Foreign Wars.
 Department of the District of Columbia, American Legion.
 Local Union of Federal Employees.
 District of Columbia Bankers' Association.
 District of Columbia Building and Loan League.
 Washington Section, National Council of Jewish Women.
 District of Columbia Chapter, Rainbow Division, Veterans.
 Washington Junior Chamber of Commerce (formerly Junior Board of Commerce).
 Political Study Club of Washington.
 District of Columbia Suffrage Association.
 Washington Branch, American Association of University Women.
 District of Columbia Congress of Parent-Teacher Associations.
 National Democratic League of Washington.
 Building Owners and Managers Association of Metropolitan Washington.
 Downtown Park & Shop, Inc.
 Columbia Historical Society.
 American Planning and Civic Association.
 Military Order of Loyal Legion.
 District of Columbia Association of Insurance Agents.
 Electrical Contractors Association of the District of Columbia.
 Laundry-Dry Cleaning Association of the District of Columbia.

NATIONAL

Chamber of Commerce of the United States.
 American Federation of Labor.
 National League of Women Voters.
 American Federation of Teachers.
 National Federation of Federal Employees.
 Veterans of Foreign Wars of the United States.
 National Camp, Patriotic Order of Americans.
 National Retail Coal Merchants' Association.
 National Council of Jewish Women.
 American Medical Women's Association.
 American Federation of Soroptomist Clubs.
 International Typographical Union.
 United Typothetae of America.
 National Women's Trade Union League.
 Women's National Homeopathic Medical Society.
 National Service Star Legion.
 Fleet Reserve Association.

ORGANIZATIONS SUPPORTING OR ENDORSING NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA—Continued

National Association of Victory Jobbers.
 National Straw Hat Manufacturers' Association.
 Knight and Ladies of the Maccabees.
 National League of Young Democrats of America.
 Congress of Industrial Organizations.

STATE AND REGIONAL

California State Federation of Butchers.
 Connecticut State Federation of Labor.
 Scandinavian Grand Lodge of Connecticut, International Order of Good Templars.
 Georgia Real Estate Association.
 Junior Order United American Mechanics, Massachusetts State Council.
 Fall River (Mass.) Doffers and Splinters' Credit Union.
 Minnesota State Florists' Association.
 Patriotic Order Sons to American, New Jersey State Camp.
 Lily Dale Assembly, Lily Dale, N.Y.
 Independent Order of Americans, State Council of Pennsylvania.
 Wyoming State Teachers' Association.
 Wyoming Women's Christian Temperance Union.
 Michigan Department, Sons of Union Veterans.
 New York State Council, International Society of Master Painters and Decorators.
 Illinois State Council, International Society of Master Painters and Decorators.
 Kentucky Society of Florists.
 Maryland State and District of Columbia Federation of Labor.
 Colorado Association of Commercial Organizations.
 New York State Retail Coal Merchants' Association.
 Montgomery County Civic Federation of Maryland.
 Arlington County Civic Federation of Virginia.
 Inter-Federation Council of District of Columbia, Maryland, and Virginia.
 Montana Library Association.
 Maryland and District of Columbia Industrial Union Council (Congress of Industrial Organizations).

POPULATION, 1958

District of Columbia, 825,000. Nine States lower.

States with lower population, 1958

State	Population	Number of Representatives	State	Population	Number of Representatives
	<i>Thousands</i>			<i>Thousands</i>	
Alaska.....	1 150	1	Nevada.....	267	1
Delaware.....	454	1	North Dakota.....	650	2
Hawaii.....	623	1	South Dakota.....	699	2
Idaho.....	662	2	Vermont.....	372	1
Montana.....	698	2	Wyoming.....	320	1
New Hampshire.....	584	2			

¹ Excluding military.

Source: Bureau of the Census.

Mr. DAVIS. The interest in the hearing is evident I am sure from the citizens point of view by the number who are present, without a demonstration being required, and by the encouragement that over two-thirds of your committee is present here today to listen to the testimony.

Unlike some of the problems that have been presented to this committee today, the Joint Committee for National Representation of the District of Columbia, which was organized in 1917, has no disagree-

ment. Years ago, up until the 86th Congress, we adopted and fought for full representation in Congress, as well as the right to vote for President and Vice President.

The people of Washington have been asking for help for a long time, but we don't lose our commonsense. It is interesting to note, Mr. Chairman and members of the committee, that this joint committee is composed of 100 organizations including labor groups, chambers of commerce, civic associations, women's organizations, every cross section of social and business life of the Washington and national community.

As a representative of this joint committee I say to you that we know as a practical point that those who want to kill the possibility of this legislation will recommend alternatives.

We recommend and urge that action be taken in this 86th Congress. We recommend and urge that your subcommittee act speedily, as soon as the hearings are completed, and urge that your full committee act favorably on this resolution.

We believe that the House Rules Committee will act favorably if the Judiciary Committee reports out your bill.

We further believe and are confident that once any disparity that exists between your bill and the bill discussed by Mr. Keating is settled, that in the joint meeting of the House and the Senate that any differences will be resolved.

We hope and aspire to the fact that we will be able to vote for President in 1964.

Mr. Chairman, in this lengthy statement that I have prepared—and I wish to congratulate you on the statement that you opened the hearing with—I ask several questions, and answer them. I think they are important. I think it is important to the legislative history that possibly this committee consider one or more of them.

We are satisfied that the bill is definite, and we have replied that it is definite as to the number of Delegates that we will be entitled to.

We are satisfied and have replied that the qualifications for Delegates are not spelled out in the bill. We think that if this committee does not want to include in the bill, or the resolutions, speaking properly, the qualifications for Delegates, at least this committee should give guidance to future Congresses of what they intended as the qualifications for a Delegate.

I point that out because when Alaska had a Delegate, which was a nonvoting Delegate, the qualifications were the same as those for Representatives. When the District of Columbia had a nonvoting Delegate back in 1871, it was the same as the requirements for a voter in the then citywide elections, and the Delegate only had to be 21 years of age instead of 25 as a Representative has to be.

Our citizens joint committee would recommend and urge that the qualifications for a Delegate be the same as the qualifications for a Representative, with the exception that the Delegate, when elected, be an inhabitant of the District of Columbia in lieu of an inhabitant of a State.

Our committee is satisfied that the bill as drawn enables Congress to implement the amendment so as to make it workable.

Now, the question of whether or not the Delegate can vote—and this is the practical question—we believe that if it wasn't the intent of the draftsmen that this Delegate could vote, that such language would never have been included in the bill. But Congress, having exclusive legislative authority over the District of Columbia, wants to be in a swing position which the joint committee doesn't object to. If it should ever prove against the Federal City interests or the Nation's interests to have a Delegate voting, which we can't concede, Congress would have the right in the future to take away that voting power which it had granted without going back to the people.

Mr. Chairman, to show the committee's flexibility and the practicability and to support the position that you have taken, we fully recognize this is not a home rule bill and it should never be discussed in this hearing. We agreed, in the citizens joint committee, that that would never be discussed. I think it is a good rule that you have adopted because otherwise you could cloud the issue.

We know that this isn't a bill for statehood.

We know that this is the best that we can get.

We believe that if this committee approves it, and it is passed by the full Judiciary Committee and sent to the House, that the House will approve it, and that you gentlemen will be responsible for making historic legislation.

The CHAIRMAN. May I suggest this: On page 2, article I, section 1, of the House Joint Resolution 529, there is a provision as follows: "The people of the District, constituting the seat of the government of the United States, shall elect, in such manner and under such regulations as the Congress shall provide by law:"

Doesn't that envisage the right of Congress to set forth the qualifications?

Mr. DAVIS. It would envision the right to set forth the qualification. Mr. Chairman, you are holding the hearings. You are receiving, may I say, the full load. I think the guidance that you will give in the legislative history as to what your intentions are will be important to the Congress that has to pass the enabling implementing legislation in the future upon the enactment of this congressional amendment.

Mr. BRICKFIELD. This bill wouldn't require amendment.

Mr. DAVIS. No, sir.

Mr. BRICKFIELD. To provide for qualifications of delegates. Congress, by law, could do that.

Mr. DAVIS. Congress, by law, could do that. It very clearly states that. But your direction is important to the future application of this bill.

Mr. HOLTZMAN. Mr. Chairman, I have one question to ask.

The CHAIRMAN. Mr. Holtzman.

Mr. HOLTZMAN. The witness stated that we know what is going to happen. Of course, I must take issue with him. No one really knows what is going to happen. The witness also stated that those who offer alternatives haven't a desire for this bill only. Nothing could be further from the truth. The fact is that I am for this bill, and yet I cannot help but weigh the alternatives that take in a broader perspective, and I will support this bill. I think that the gentleman

should revise his thinking about that point, because several of the members of this committee who suggested alternatives I know will support this bill.

Mr. DAVIS. I, too, would like to change this bill. I, too, have different ideas. But the committee feels that to change it is going to jeopardize it.

What we are after is what the chairman said. We are after the enactment of this bill. If Congress will concede to changing it in the future, to give us the representation in the Senate, that is something that Congress will decide in the future. But that is not before this committee, and we are supporting your bill, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Davis. You certainly have the excellence of brevity.

I see our former Commissioner, F. Joseph Donohue, in the room. We will be glad to hear from you.

STATEMENT OF HON. F. JOSEPH DONOHUE, FORMER COMMISSIONER OF THE DISTRICT OF COLUMBIA

Mr. DONOHUE. Mr. Chairman and members of the committee, I am F. Joseph Donohue, a Washington lawyer, a native-born citizen of the United States, born in Massachusetts, where I had the opportunity to breathe the air of freedom that was purified by the Boston Tea Party, Nathaniel Hale, Lexington and Concord. But I have lived in the District of Columbia for 41 years, and I would say to the gentleman from Michigan while I am just a pawn in the hands of the Congress, I would resent being—

The CHAIRMAN. You say that you are a pawn?

Mr. DONOHUE. Yes, sir.

The CHAIRMAN. Not if I know "Jiggs" Donohue.

Mr. DONOHUE. I wish it were not so. But I would resent being ceded to the State of Maryland. I have lived here for 41 years. We have a fine community. And sometimes a distinction is not made between Washington as the Capital City, and the hundreds of thousands of us who live here who call Washington home. I will go the rest of my life—I probably will anyway—without the right to vote, but I would do it gladly rather than have the Congress of the United States say to me, "You no longer are a native of Washington; you are now a citizen of the State of Maryland."

I didn't elect to live in Maryland. I elected to remain in the District of Columbia and to pay my taxes here because I make my living here.

Mr. MEADER. What is so bad about Maryland, Mr. Donohue?

Mr. DONOHUE. Nothing, no more than anything is so bad about any of the great 50 States of the country. But I live in the District of Columbia, and I would certainly resist being made a citizen of another State. I could go there freely if I wanted to, thank God, under the Constitution, but I elect to remain here.

Mr. HOLTZMAN. You would say this is not an anti-Maryland statement but rather a pro-Washington statement.

Mr. DONOHUE. That is a pro-Washington statement. I think the people ought to know that we who live in Washington love Washington, and we do a great deal, perhaps unknown to the Members of the

Congress, to make your Capital City a city in which people are pleased and happy to live.

I have known every President since Woodrow Wilson. I have seen more than 4,000 elected Members of Congress come here, and many are still here; over a period of 41 years. But I can't understand why I, and nearly three-quarters of a million other Americans, who pay taxes, who fight your wars—and we have had two Congressional Medal of Honor winners from Washington, both Washingtonians in World War II—are still kept in the unhappy category of being classified as in the same group with adjudicated lunatics, convicted felons, and alien enemies. I am grateful to you, Mr. Chairman, and to the members of this committee, and I will be eternally grateful for this little modicum of being an American, the right to vote for President and Vice President of the United States, and the right to have some kind of a delegate who can get on the floor of the Congress of the United States and speak for Washington and Washingtonians.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

[Applause.]

The CHAIRMAN. There will be no applause.

It is contrary to the rules of the committee. If there is applause again, the room will be cleared.

Our next witness is the distinguished Senator from the State of Oregon, Senator Wayne Morse.

STATEMENT OF HON. WAYNE MORSE, U.S. SENATOR FROM THE STATE OF OREGON

Senator MORSE. Mr. Chairman and members of the committee, may it please the committee, I have a very short statement which I will read, because I know of your time limitation due to the joint session we are all scheduled to attend.

Mr. Chairman, and members of the committee, I take great pleasure and pride in being permitted to appear before you this morning to urge upon you the merits of a constitutional amendment to provide national representation for the District of Columbia.

In my own small way, I have been urging District residents to prepare for the successful outcome, as I hope it will be, of your deliberations, by way of registering to vote in the District primary election next month. Participation in that primary election I have told them is a dress rehearsal for the far more meaningful exercise of the precious right to a ballot in a national election.

You will hear from those who can speak more eloquently than I of the arguments for the enfranchisement of the District. They will be good arguments and pertinent arguments, but in one very fundamental sense this proposition rests not upon factual, statistical presentations, valuable though they are, rather it rests upon the deep faith that everyone of us holds, an abiding faith in a system of government which derives its just authority from the freely given consent of the governed.

Unless there is, in a system of government, provision made for an opportunity for the governed to participate in the selection of their governors, most Americans, and rightly, are uncomfortable with that

government. To have such an anomalous situation—a denial of national suffrage—existing in the Capital City of a great Republic, conscious of its democratic traditions and principles and anxious that these principles be extended to all men and women everywhere, is deeply disturbing to most Americans. The situation which occasioned the political disenfranchisement of the District residents has long since receded into the mists of history. The Congress of the United States, and the Executive of the United States no longer need fear the impact of pressures from the city of Washington. Quite the reverse is true, so much so in fact, that the balance needs to be redressed. The constitutional amendment being considered by the committee, when ratified, will remove the anomaly and present to those American citizens who live in the District of Columbia the birthright of every American citizen.

I will not labor further the point, Mr. Chairman, for as I have indicated, it is one which is so deeply imbedded in our constitutional fabric as to be the ground from which all else follows in our system.

Instead let us turn to the specifics of the House joint resolution. If the committee in its wisdom feels that the package of proposals contained in Senate Joint Resolution 39 ought to be considered separately by the House, I would not dissent, since I feel that the merits of the proposals are such that each can stand upon its own.

But I note that there are differences between the language of House Joint Resolution 529 and the corresponding section of Senate Joint Resolution 39, relating to the District, which we might review together with profit.

Let me say at the outset, as a Senator, I would welcome to sit with us in our Chamber one or two elected Delegates from the District and I would support an act of Congress conferring upon them all of the rights and privileges of a Senator of the United States, including the right to vote in the Senate of the United States.

At an appropriate time I plan to introduce a constitutional amendment, either by way of an amendment to a House-passed measure or by way of a measure introduced in the Senate, which would give to the District at least one voting Delegate in the Senate of the United States.

However, to accomplish the objective desired, of obtaining the right to vote in national elections for District citizens, with the least delay, the committee may wish to explore the advisability of reporting Senate Joint Resolution 39 modified by striking all after the enacting clause and inserting such language as the committee may feel proper. I suggest this procedure to obviate the difficulties and delay which might be occasioned by the passage of a House numbered measure which may have to be referred to and considered by the Senate Committee on the Judiciary before being passed again by the Senate. By utilizing the Senate-passed measure, which is before your committee, as a vehicle the House could work its will but permit the constitutional amendment to go directly to conference.

This procedure is suggested because of a lively apprehension upon my part that the Congress may not be in session sufficiently long this year to run the full course over again upon this very important measure.

Personally, I would prefer the language of the Senate-passed resolution, in that it would place the District upon a parity with the States in the choosing of presidential electors.

Senate Joint Resolution 39, if it were now incorporated into our organic law, would allow the District to choose between four and five presidential electors. House Joint Resolution 529, on the contrary, provides for only two to three electors. The greater weight in the selection of a President and a Vice President afforded by the Senate measure is, I believe, justified, if only in partial recompense for the century and a half of disenfranchisement accorded residents of the District.

I am confident that your committee in markup session will consider this and other points which may be raised. The conference procedure exists to provide both Chambers with an opportunity for conscientious compromise upon the details of language while preserving the principle of legislation. For this reason I would suggest that the route and method I have outlined can provide the legislatures of the States with an early opportunity to register their views upon this constitutional proposal.

Thank you Mr. Chairman and members of the committee for your courtesy.

I want to make very clear, Mr. Chairman and members of this committee, that what you decide upon in this committee is going to receive the support of the senior Senator from Oregon, and I am going to do everything I can to expedite our procedures over in the Senate so that we can get action on this important amendment without long delay and without, if possible, going back to the Judiciary Committee of the Senate, so we can get this measure into conference at the earliest possible time.

I thank the committee for its courtesy.

The CHAIRMAN. We thank you, Senator. We are glad to have you always.

Our next witness is Mr. Alexander Hawes, of the Bar Association of the District of Columbia.

I don't think I need to ask you to be brief, being a lawyer.

STATEMENT OF ALEXANDER B. HAWES, ON BEHALF OF THE BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA

Mr. HAWES. I will be brief. I have a short written statement.

Mr. Chairman and members of the subcommittee, my name is Alexander B. Hawes. I am appearing on behalf of the Bar Association of the District of Columbia.

I wish to express the appreciation of our association for the efforts which you are making to right a longstanding injustice—the complete disenfranchisement of the people of the Nation's Capital.

As members of the legal profession, we are particularly concerned at the present denial to 850,000 Americans of the most basic American political right, the right to share in one's government through the vote. Americans who live outside the District participate in their government at all levels, local, State, and National. The bar association believes that District residents should have as closely

similar and equal rights as possible, subject to the ultimate legislative control of the National Capital by the Congress.

Accordingly, we strongly support the proposal to amend the Constitution to give the District representation in Congress and in the electoral college, as well as the legislation, now pending before another committee, to provide for home rule or local self-government, at what corresponds to State and city levels. We believe in what has been called the total vote for the District, and not just in one or two portions of it.

We therefore heartily endorse House Joint Resolution 529, now pending before you.

I want to depart from my statement here to say that I have had the temerity to suggest three changes in this resolution. I do not consider myself a political expert and able to forecast what is politically feasible, and it is of course up to the committee to decide in the first place whether any of these changes can be made.

1. The proposed amendment does not directly grant the District's Delegates in the House the power to vote, but only "such powers as the Congress, by law, provides" (p. 2, lines 10 and 11). Since there is no need for a constitutional amendment to authorize the election of non-voting Delegates, the amendment undoubtedly is intended to authorize voting Delegates. But in its terms, it fails to say so, and it actually leaves it possible—however unlikely it may be—for Congress to refuse voting rights to the District Delegates or to deprive the Delegates of voting rights once given. It would seem better to be definite and to substitute for the clause I have quoted some such words as "the rights, powers, and duties of Members of the House of Representatives."

2. The proposed amendment does not give the District representation in the Senate. Since, as has often been pointed out, the population of the District exceeds that of each of 12 States, each having two Senators, and the combined population of three States, having an aggregate of six Senators, it would seem only fair, from the point of view of numbers, that the District should also have two Senators. Perhaps a more important consideration is that the Senate has certain functions, for example, in the field of foreign relations, in which the House does not share, and in which, therefore, the District's population would have no voice, if senatorial representation were denied it.

3. Finally, if the District were a State, it would have two more electors for President and Vice President, corresponding to its Senators, than are accorded it by the proposal before you. In justice to the District, these additional electors should be allowed.

I will end with one comment.

As is clear from what I have said, the grant of national representation, in Congress and the electoral college, is no substitute for home rule or local self-government. Statements have sometimes been made to the effect that "True home rule" means representation in Congress. The untenability of this position is shown by consideration of the share the District would have in Congress—a vote of 2 or 3, or at most 5, in a total of 535 or more. This is approximately the share the District should have in the enactment of national legislation, applicable throughout the country. But when it comes to the District budget, District taxes, and other legislation applicable only in the District,

the District should have its own locally elected legislature, with full control subject only to the right of the Federal Government to intervene when it believes it to be necessary, and, therefore, we would expect, only if a national interest were threatened.

In other words, adoption of the proposed amendment will in no way make home rule or local self-government any the less important. Both are essential to do justice to the District, and both should be pushed as rapidly as possible, neither being dependent on the other.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Hawes.

Our next witness is Mr. David Bress, attorney, of Washington.

**STATEMENT OF DAVID G. BRESS, ESQ., ATTORNEY AT LAW,
WASHINGTON, D.C.**

Mr. BRESS. Mr. Chairman, I am David G. Bress, a practicing lawyer in the District of Columbia. I came to the District of Columbia at a time when I had no right to vote in a State.

I have never had the opportunity of voting in my life. I have practiced here for 29 years. I am thrilled by the proposed legislation. I think it is excellent.

I feel confident that I represent the views of the people of the city of Washington, that we would be happy with this legislation, pursued at this time, rather than to try to improve upon it by amendments which would provide for representation in the Senate and in other respects.

As far as Congressman Meader's question about recession to the State of Maryland, I think that the people of Washington do not want that. I think Jiggs Donahue properly expressed the view of the people of Washington.

As to another comment I heard made today about there being a number of people in Washington who vote in other places, I do not think that affects the problem one iota.

We have approximately 100,000 residents in this city, some of whom are bona fide domiciliaries of the State in which they vote and they will continue to vote in those States.

But there are many—the exact percentage of which I do not know—who are not bona fide domiciliaries of those States but who are bona fide domiciliaries of the District of Columbia.

Mr. MEADER. Mr. Bress, I asked that question because, if you permitted people to vote back home, in whatever State they may come from, but you also counted them as residents of the District of Columbia for the purpose of determining how many voting representatives you should have in Congress, they, in a sense, would have two voices: the Congressman that they elect in the State that they come from, and then they would be counted here, although they do not vote here, they would be counted in giving greater representation to the District of Columbia in the Congress than if you excluded those people who get their representation through their home State.

Mr. BRESS. Congressman Meader, I respectfully suggest that the problem is a simple mechanical one. Legislation by Congress will adequately take care of that. Those people who are domiciled in other States and who will vote in those States will be excluded in computing the representation.

My point, however, is that there are thousands who are voting away from Washington who will hereafter, when this proposed resolution becomes law, vote in the District of Columbia because this is their domicile.

Thank you, Mr. Chairman, for this brief opportunity to state that I am confident the people of Washington want this constitutional amendment, and we want it as drawn, without amendment, in order to be sure we get it.

The CHAIRMAN. Thank you, Mr. Bress.

Our next witness is Mr. E. K. Morris, president, Metropolitan Washington Board of Trade.

STATEMENT OF E. K. MORRIS, PRESIDENT, METROPOLITAN WASHINGTON BOARD OF TRADE

Mr. MORRIS. Mr. Chairman, in the interest of brevity, I would be very happy to file my statement and make a couple of remarks.

The CHAIRMAN. Without objection.

(The document is as follows:)

STATEMENT OF E. K. MORRIS, PRESIDENT, METROPOLITAN WASHINGTON BOARD OF TRADE, ON HOUSE JOINT RESOLUTION 529

Mr. Chairman and members of the committee, I am E. K. Morris, president of the Federal Storage Co., 1701 Florida Avenue, NW., residing at 4950 Hillbrook Lane, NW. I am currently the president of the Metropolitan Washington Board of Trade on whose behalf I appear here today.

The board of trade was organized in 1889, has been an important community organization ever since and is today composed of approximately 7,000 business, professional, and civil leaders of this community.

Support of the principle of national representation was first voiced by our board of directors on April 24, 1916. Since that time, the board of trade has actively sought adoption of the type of resolution under consideration by this committee today. This objective has been reaffirmed countless times by our board of directors and a number of times through vote of the general membership. The board has been an active participating member of the Citizens' Joint Committee on National Representation for the District of Columbia since its organization.

To eliminate duplication and to conserve the time of the committee, I will refrain from making a lengthy statement which would necessarily repeat much of the material which has already been placed in the record by the chairman of the joint committee, Mr. F. Elwood Davis. I wish to wholeheartedly endorse Mr. Davis' complete statement and make it clear for the record that the Metropolitan Washington Board of Trade subscribes fully to the views of the joint committee.

We hope the committee will agree that the lack of voting representation in the Government of this Nation suffered by American citizens resident in the Capital City is in this day and age an indefensible contradiction of what we stand for in our own eyes and in the eyes of the world.

We urge the committee to accept the principle that residents of the District of Columbia who pay more in Federal taxes than do those of many States, who serve in the Armed Forces in great numbers and who are subject to all of the obligations of citizenship are entitled as a matter of right to participate in their National Government by voting for President and Vice President and for appropriate representation in Congress.

And finally on behalf of the Metropolitan Washington Board of Trade I urge the committee to favorably report House Joint Resolution 529.

Mr. MORRIS. I want to say that the board of trade is an old organization, having been established in 1889.

In 1916, for the first time, we came out in favor of a vote for President and Vice President and national representation, and on numerous occasions since we have fostered the same idea.

We have also been a participating member in the Citizens Joint Committee on National Representation for the District of Columbia.

I would be very happy wholeheartedly to endorse Mr. Elwood Davis' complete statement and make it clear for the record that the Metropolitan Washington Board of Trade subscribes fully to the views of the Citizens Joint Committee on National Representation for the District of Columbia.

Thank you.

The CHAIRMAN. Thank you.

That certainly was brief.

We are appreciative of your comments.

The next witness is Mr. Theodore Pralinsky, president, Young Democratic Club of the District of Columbia.

He does not answer.

Next, Miss Sally Butler, legislative chairman, General Federation of Women's Clubs.

STATEMENT OF SALLY BUTLER, LEGISLATIVE CHAIRMAN, GENERAL FEDERATION OF WOMEN'S CLUBS

Miss BUTLER. Mr. Chairman and members of the committee, I have a very brief statement, but I think I will submit it and make a few explanatory remarks, and very few.

(The statement follows:)

STATEMENT OF GENERAL FEDERATION OF WOMEN'S CLUBS, WASHINGTON, D.C., ON REPRESENTATION FOR THE DISTRICT OF COLUMBIA IN THE HOUSE OF REPRESENTATIVES AND IN THE ELECTORAL COLLEGE

I am Sally Butler, Director of Legislation for the General Federation of Women's Clubs. This organization was chartered by the U.S. Congress in 1901 and today there are approximately 5 million members in the United States.

The general federation has endorsed and supports the principle of national representation for the District of Columbia. In 1935 by convention action the following resolution was passed and we reaffirmed this resolution in 1952. We still support this principle.

"NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA (CONVENTION, 1935; REAFFIRMED, 1952)

Resolved, That the General Federation of Women's Clubs endorses the principle that the Congress shall have power to provide that there shall be in the Congress and among the electors of President and Vice President members elected by the people of the District, constituting the seat of the Government of the United States, in such numbers and with such powers as the Congress shall determine; and further

Resolved, That the Congress give prompt and favorable consideration to this proposal of simple justice and submit it to the States for ratification as an amendment to the Constitution of the United States."

We believe it is the inalienable right of every citizen to have representation in Congress. The situation is different today than it was when the District was established inasmuch as at that time everyone living in the District had a native State in which he could vote and have representation. Today there are thousands of people living in the District who were born here and as a result have no native State, hence no voice in congressional action. We believe every citizen is entitled to the right to vote for President and Vice President of the United States.

We know Washington, D.C. was set up as a Federal City. We believe this is as it should be because it is the National Capital and does not belong to only those living here but it belongs to all the people of all the States and should be controlled by our Congress. In other words we must guard against penalizing against all the people in any law we pass when we try to remove discrimination against the people living in the District of Columbia.

The members of the general federation say in their resolution that they want the District of Columbia to have national representation as the "Congress shall determine." However, their resolution points out that the District is "the seat of the Government of the United States" hence is a Federal City.

The general federation does urge that simple justice to the citizens of the District be done by giving them the right to have national representation so as to have "in the Congress and among the electors of President and Vice President members elected by the people of the District."

We urge the passage of such a law so as to fulfill the basic principles of democracy—a government of the people, for the people, and by the people.

MISS BUTLER. The General Federation of Women's Clubs has, since 1935, been asking for national representation for the District.

We reaffirmed that in 1952, and it is a very brief resolve. I will read that:

Resolved. That the General Federation of Women's Clubs endorses the principle that the Congress shall have power to provide that there shall be in the Congress and among the electors of President and Vice President members elected by the people of the District, constituting the seat of the Government of the United States, in such numbers and with such powers as the Congress shall determine.

That was written in 1935. The federation has membership in every State in the Union, and they recognize that the fact—something that has not been mentioned here today, but we stress it—is that Washington is unique, the District is unique in that it is a Federal city.

Every member of our organization thinks of it as their Capital, and so they are interested. However, they recognize the fact that today the situation is different than it was when the District was established.

Everybody then did have a State in which they could vote. Today it is different, and we believe as citizens they should have the power to vote for President and Vice President.

We are happy to have a chance to come here and we are supporting your bill as submitted.

The **CHAIRMAN.** Thank you, Miss Butler.

Our next witness is Mr. Carl Shipley, chairman of the Republican State Committee.

STATEMENT OF SAM BIDDLE, CHAIRMAN, LEGISLATIVE ADVISORY GROUP OF THE REPUBLICAN STATE COMMITTEE OF THE DISTRICT OF COLUMBIA

Mr. BIDDLE. I am Sam Biddle, chairman of the Legislative Advisory Group of the Republican State Committee of the District of Columbia.

My statement, Mr. Chairman, is happily brief.

We favor your bill for the vote by the residents of the District of Columbia for President and Vice President and we also favor having voting representation in the Congress.

The **CHAIRMAN.** You almost persuaded me to be a Republican.

Mr. BIDDLE. Thank you, sir.

The **CHAIRMAN.** Our next witness is Mr. Francis J. Kane, president of the Association of Oldest Inhabitants.

Mr. WILCOX. Mr. Kane is unable to be here today. I thought my name might be heard later. I didn't know that his name was to be called. I hope mine is on the list.

My name is Wilcox, secretary of the association.

The CHAIRMAN. What is your attitude on this bill?

STATEMENT OF FRANCIS J. KANE, PRESIDENT, ASSOCIATION OF OLDEST INHABITANTS; PRESENTED BY MR. WILCOX, SECRETARY, ASSOCIATION OF OLDEST INHABITANTS

Mr. WILCOX. All we want to say is that we join the other members of the Citizens Joint Committee in endorsing this resolution.

The association has gone on record in the past on several occasions along this line.

The association is 91 years old—some of its members are nearly that old. We have about 440 members, and I am speaking for them.

The CHAIRMAN. Thank you.

Next is Mr. Woolsey W. Hall, Federation of Civic Associations.

STATEMENT OF WOOLSEY W. HALL, FEDERATION OF CIVIC ASSOCIATIONS, WASHINGTON, D.C.

Mr. HALL. Mr. Chairman, I am Woolsey Hall. I represent the District of Columbia Federation of Civic Associations.

We are very grateful for House Joint Resolution 529. We are impressed by the language in line 10 "with such powers as the Congress, by law, provides." We take that to mean that the Congress could, in its power, give us the right to have a voting Representative in the Congress.

Until I heard your statement this morning, and it was very emphatic, that if we tamper with the provisions of this bill we may not get anything, we did hope that if the Congress were going to amend the Constitution, we won't ask for statehood ever, that they will now endow us with the voting representation in the Congress. But having heard your statement, and the attitude of the committee, we go along wholeheartedly with all the provisions of House Joint Resolution 529.

The CHAIRMAN. Thank you very much.

Mr. HALL. Our fear, of course, was that one Congress says it is not bound by the action of the prior Congress, and they might subsequently pull back that voting power if you gave it to us. But we will take our chances on that.

Thank you, sir.

The CHAIRMAN. Mrs. Joseph B. Paul, president, Twentieth Century Club. I understand she will submit a statement.

STATEMENT OF MRS. JOSEPH B. PAUL, PRESIDENT, TWENTIETH CENTURY CLUB, WASHINGTON, D.C.

Mrs. PAUL. Mr. Chairman, we will be very glad to submit our statement in support of the statements of the joint committee.

The CHAIRMAN. Thank you. You shall have that privilege.

(The statement follows:)

STATEMENT TO HOUSE JUDICIARY SUBCOMMITTEE HEARINGS, APRIL 6 AND 7, 1960

Mr. Chairman and members of the committee, I am Mrs. Joseph B. Paul, president of the Twentieth Century Club, which has been a member of the Citizens Joint Committee on National Representation for the District of Columbia since first this committee was organized. Founded in 1890, the Twentieth Century Club is a civic and philanthropic organization of 550 women who have pioneered among women's organizations in Washington to promote social reform and civic betterment. Today we carry forward our efforts for the residents of the District of Columbia as we seek the right to vote.

In the interest of avoiding duplication of what has been said, and to save the time of the committee, I will not make a detailed statement, but I do want to go on record by saying that our organization wholeheartedly supports the statements made by the Citizens Joint Committee.

Mrs. JOSEPH B. PAUL,
President, Twentieth Century Club.

The CHAIRMAN. Mr. W. K. Norwood, president, Federation of Citizens Associations of the District of Columbia.

(No response.)

The CHAIRMAN. Mr. John M. Dalton, president, Junior Chamber of Commerce.

(No response.)

The CHAIRMAN. Mr. Harry Wender, B'nai B'rith.

(No response.)

The CHAIRMAN. Mrs. John W. Bush, District of Columbia Federation of Women's Clubs.

STATEMENT OF MRS. JOHN W. BUSH, CHAIRMAN, NATIONAL REPRESENTATION OF THE DISTRICT OF COLUMBIA FEDERATION OF WOMEN'S CLUBS

Mrs. BUSH. I think Miss Sally Butler has said all that I have in my statement here, but I have to read it.

I am Mrs. John W. Bush, chairman of National Representation of the District of Columbia Federation of Women's Clubs. The District of Columbia Federation of Women's Clubs was organized in 1894 and was admitted to the General Federation of Women's Clubs, a worldwide organization, in 1895. The District of Columbia federation now consists of 22 clubs, numbering about 2,400 women.

The District of Columbia Federation of Women's Clubs has been on record for national representation for the District of Columbia for 38 years. On January 24, 1928, Mrs. Virginia White Speel, president of the District of Columbia federation at that time, was one of 25 signers of a petition, to the Congress, presented by the Citizens Joint Committee on National Representation for the District of Columbia headed by Mr. Theodore W. Noyes, chairman, who was editor of the Evening Star and a much beloved citizen.

Ever since that date, 38 years ago, representatives of the District of Columbia Federation of Women's Clubs have repeatedly appeared before committees of Congress and petitioned for the principle announced by the Founders of our Republic, namely, that "taxation without representation is tyranny"; and that "governments derive their just powers from the consent of the governed" in order that "government of the people, by the people, and for the people" may become an accomplished fact for all the citizens of the United States, including those of the District of Columbia.

Of course in all these years we have stood for the principle that District of Columbia residents be entitled to one or two Senators, as determined by the Congress and for representation in the House in accordance with the number of citizens of the District of Columbia as determined by the decennial census, with presidential electors equal in number to the representation in the two Houses of Congress.

This is somewhat more liberal than your bill, Mr. Chairman. Your bill, House Joint Resolution 529, introduced by your distinguished self, merely calls for "a number of Delegates to the House of Representatives to serve during each Congress * * * with such powers as the Congress by law provides, but the District shall have at least one Delegate."

We rejoice in the phrase in your bill which states "with such powers as the Congress by law provides." We hope that that means eventually Congressmen from the District of Columbia will be on a par with the 438 other Congressmen now in the House.

It is the desire of the District of Columbia Federation of Women's Clubs that all Federal powers and functions in the District of Columbia shall remain unimpaired and undiminished and only that adequate representation for the District of Columbia in Congress shall be added.

The CHAIRMAN. Thank you, Mrs. Bush.

Our next witness, and he will have to be brief, is Comdr. Herbert Borchardt, Veterans of Foreign Wars, District of Columbia.

(No response.)

The CHAIRMAN. Mr. Herbert V. Hudgins?

(No response.)

The CHAIRMAN. At this point we will place in the record various communications received by this subcommittee.

(The communications referred to are as follows:)

STATEMENT ON BEHALF OF THE WASHINGTONIANS

Mr. Chairman and members of the subcommittee of the Judiciary Committee of the House of Representatives, this statement is made on behalf of the Washingtonians, which I request be incorporated in the record.

The Washingtonians, a citizens association, has since its organization in 1932 worked diligently for one of its main objectives, national representation for the District of Columbia, which would include a vote for the President and the Vice President of the United States, and for U.S. Senators and U.S. Representatives, a privilege which has long been denied to the people of the District of Columbia. As citizens of the greatest community in the whole world, the United States of America, we have had many responsibilities placed upon us, which we must accept and do accept as good citizens, although we have been denied and still are denied the great privilege and honor, the coveted franchise, which other Americans enjoy. We have been practically outcasts but we do as other good citizens do in the several States who exercise this privilege, accept many responsibilities about which you are well informed and on which I need not dwell.

We do not oppose House Joint Resolution 529 but we do think it should be amended to cover complete national suffrage by adding a provision for representation in the U.S. Senate and Representatives in the House of Representatives and not Delegates in the latter body as provided. There should be no discrimination between the residents of the States and the residents of the District of Columbia.

Senator Morse, according to an article appearing in the *Georgetowner*, dated March 24, 1900, stated in connection with the residents "You do not have much bargaining power in the District because you do not have Senators and Representatives."

We respectfully request that the resolution in question be amended to give us this bargaining power with complete national representation for the District of Columbia, whereby we would have the same status as the residents of the States and would enjoy representation in a "Government of the people, by the people and for the people."

Respectfully submitted.

ETTA L. TAGGART, *President.*

DEPARTMENT OF ELEMENTARY SCHOOL PRINCIPALS,
NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., April 5, 1960.

HON. EMANUEL CELLER,
*Chairman, House Committee on the Judiciary,
House Office Building, Washington, D.C.*

DEAR MR. CELLER: My personal-professional experiences have convinced me of the urgency of the passage of House Joint Resolution 529.

Daily we teach children in Washington, D.C., that good citizenship requires the assumption of responsibility; that each individual is significant in the operation of democracy; that we achieve only those goals which we strive for earnestly. It is imperative, I feel, for our youth to know that their parents fill all the facets of active citizens voting in the election of the U.S. President and that they see the District Government responsive to representation on District congressional committees.

As I move in the professional circles of the national department of elementary school principals, I am glad to say that we live our democratic principles, and to this I attribute the success, strength, and growth of our association.

I cannot voice too loudly my hope that House Joint Resolution 529 will have immediate and favorable action.

Sincerely,

ROBERTA S. BARNES, *President.*

THE CITIZENS' ASSOCIATION OF TAKOMA, D.C.
April 4, 1960.

THE HOUSE JUDICIARY COMMITTEE,
U.S. House of Representatives,
Washington, D.C.

GENTLEMEN: At the regular meeting of the Citizens' Association of Takoma, D.C., on April 4, 1960, the below stated resolution was passed.

"RESOLUTION SUPPORTING LEGISLATION TO PROVIDE NATIONAL REPRESENTATION
FOR CITIZENS OF THE DISTRICT OF COLUMBIA

"Whereas there is now pending in the Congress of the United States legislation proposing an amendment to the Constitution to provide national representation for citizens of the District of Columbia; and

"Whereas the citizens of that section of the District of Columbia known as Takoma believe that national representation is a desirable and proper privilege and right to be accorded all citizens of the United States; and

"Whereas the present bill provides, *inter alia*, for the election of a representative of the District of Columbia to the House of Representatives with a voice but without a vote in the proceedings of that body; and

"Whereas the citizens of that section of the District of Columbia known as Takoma believe that such a limitation does not afford the full representation which is due citizens of the United States; therefore be it

"Resolved by the Citizens' Association of Takoma, D.C., in meeting assembled this 4th day of April 1960, That it is in favor of national representation for the citizens of the District of Columbia but that such representation should include a Representative of the District of Columbia to the House of Representatives with a vote as well as a voice in the proceedings of that body."

Respectfully submitted.

By P. JAMES UNDERWOOD, *Secretary.*

WASHINGTON, D.C.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., April 5, 1960.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, House Office
Building, Washington, D.C.

DEAR MR. CHAIRMAN: The American Federation of Labor and Congress of Industrial Organizations firmly supports the principal of representation for the District of Columbia in the House of Representatives and in the electoral college, as proposed in House Joint Resolution 529.

No evidence need be adduced to show that residents of the District of Columbia are denied a voice in their government, both local and national. In a nation which prides itself in its firm adherence to democratic principles and its successful experiment in democratic self-government, any continuance of this unconscionable situation would be intolerable.

District residents presently bear the duties of citizenship; they pay their taxes and obey the laws. They should also be given the right to representation in the House of Representatives and the right to cast their votes in the election of the President.

We urge favorable and speedy consideration by your committee of House Joint Resolution 529, and prompt approval by the Congress and the legislatures of the various States thereof.

Please incorporate this statement in the record of the hearings.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

RESOLUTION BY PALISADES CITIZENS ASSOCIATION

Whereas for the first time in history, a resolution for a constitutional amendment to give national representation to the District of Columbia has passed the Senate, and

Whereas a similar proposal, House Joint Resolution 529, is now before the House of Representatives and a hearing will be held on it April 6 and 7 before the House Judiciary Committee chaired by Representative Emanuel Celler, of New York, and

Whereas this constitutional amendment would enable citizens of the District of Columbia to vote for President and Vice President and to elect as many Representatives to the House as the District would be entitled to if it were a State, and

Whereas the recent granting of statehood and full representation in Congress to Alaska and Hawaii makes it mandatory that the rights of national suffrage and representation in Congress be authorized for the District: Now, therefore be it

Resolved, That the Palisades Citizens Association, in regular meeting on April 5, 1960, hereby goes on record favoring representation for the District of Columbia in Congress and the right of District citizens to vote for President and Vice President; and be it further

Resolved, That the officers of the association are authorized to notify Congressman Celler of our support, to attend and testify at the hearings, and to work for national suffrage in any other way.

STATEMENT OF PATRICK T. GORI, EXECUTIVE DIRECTOR, DOWNTOWN PARK & SHOP, INC., WASHINGTON, D.C., ON THE BILL TO PROVIDE FOR NATIONAL REPRESENTATION FOR CITIZENS OF THE DISTRICT OF COLUMBIA

My name is Patrick T. Gori. I am executive director of Downtown Park & Shop, Inc., a nonprofit organization composed of 230 business firms which provide free parking for customers and are actively working to bring about the resurgence of downtown Washington, D.C. I appear here today by direction of my executive board to testify in favor of the legislation now before this committee to secure for the citizens of the Nation's Capital the right to vote for President, Vice President, and representation in Congress.

In the interest of saving the time of members of the House Judiciary Committee, I would like to state that this association is a member of the Citizens Joint Committee on National Representation for the District of Columbia and that we are in complete agreement with the statement submitted by that committee.

We strongly urge that this committee support this vitally needed legislation.

RE House Joint Resolution 529, D.C. representation and vote.

To the Committee on the Judiciary, House of Representatives:

As a long-time resident of the District of Columbia, I am deeply interested in the matter of representation and voting rights for the people of the District. The denial of these rights throughout our entire history as a Nation has been a most glaring injustice. The District today is a far cry from what it was in 1800. The population has grown, until now it exceeds that of each of 15 States, and pays Federal taxes in excess of that paid by 25 States. In 1767, James Otis stood up in a Boston, Mass., courtroom and declared that "Taxation without representation is tyranny," and 9 years later Thomas Jefferson wrote into the Declaration of Independence that "Governments derive their just powers from the consent of the governed."

In all the years since, this Government has adhered to these principles—adhered, that is, to all but the seat of the government, the District of Columbia. As new States have been added to the Republic, the Congress has seen to it that they each have two Senators and at least one Representative in the Congress, regardless of population—and that they have the right to vote for President and Vice President. Just recently, two new States have been added: Alaska, at its nearest point separated from the State of Washington by 750 miles of foreign territory; and Hawaii, a group of eight inhabited islands, situated 1,500 miles out in the Pacific Ocean. Yet each of these new States are represented in this Congress by two Senators and one Representative.

According to the 1950 census, the following States had a population less than the District of Columbia: Alaska 128,643, Arizona 749,587, Delaware 318,085, Hawaii 499,794, Idaho 588,637, Montana 591,024, Nevada 160,083, New Hampshire 533,242, New Mexico 681,187, North Dakota 619,636, Rhode Island 791,896, South Dakota 652,740, Utah 688,862, Vermont 377,747, Wyoming 290,529. The population of the District was 802,178.

Why should Alaska, with only 128,643 people and Nevada with only 160,083 be represented in the Congress by two Senators and one Representative in the House, while the District, with nearly six times the population has no representation at all?

In 1958, the people of the District of Columbia paid in Federal taxes the sum of \$363,210,489. This is more than was paid by any one of 25 States. I do not have the names of the States that paid less than the District in 1958, but I do have for the year 1940. The amount of taxes paid in 1958 was much larger than in 1940, but it is quite likely that the proportion is much the same. In 1940 the following 27 States paid less than the District: Alabama, Alaska, Arizona, Arkansas, Colorado, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, and Wyoming.

Are we to believe that "taxation without representation" was tyranny in 1767, but that it is quite all right in 1960?

I am glad that this Congress is now making a serious effort to right this injustice, but the measures proposed in both House and Senate fall far short of what should be done. Neither of these resolutions give the District representation in the Senate, and both give little more than "spectators" in the House, for they would have only such powers as the Congress by law shall determine; and the Congress is not obligated to grant any powers—and even if full voting powers were given by one Congress, another could take away such powers, and relegate our "Delegates" to the House gallery, where they would be mere spectators. The sponsors of these resolutions would have us believe, apparently, that the Congress would promptly grant our Delegates seats on the House floor with the right to speak and vote the same as the Representatives from the States. If that is the thought, it should be so written into the amendment. It is

a well known fact that verbal promises, in addition to a written contract have no validity. There is an old saying that you should not look a gift horse in the mouth, but I think that in this case we should take a good long look in its mouth—besides, this is not a "gift horse," we are paying for it—have been paying for it for 150 years.

The Congress should face up to this thing honestly. Considering the population of the District and the amount of Federal taxes paid by the residents, nothing short of full voting representation in both House and Senate, on the same basis as the States would be enough. We are not asking that the District be made a State: we merely want our just civil rights as intelligent citizens of the Republic.

Attached hereto is a draft of a joint resolution that embodies what, to my mind, the District should have. I sincerely hope the committee will substitute this for the pending resolution, or amend the pending resolution to include its provisions.

Respectfully submitted.

J. F. SHOEMAKER.

P.S.—I neglected to state that if we are to merely have "spectators" in the House, we can get them for less than \$22,500 a year that a real Congressman would cost.

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES,
Washington, D.C., April 3, 1960.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CELLER: The League of Women Voters of the United States would like to file with your committee the enclosed statement in support of House Joint Resolution 529, proposing an amendment to the Constitution granting representation in the House of Representatives and in the electoral college to the District of Columbia.

We had hoped that one of the members of our board of directors could read the statement before your committee, but find that the dates of the hearings conflict with a meeting in which they are engaged.

Sincerely,

MRS. ROBERT J. PHILLIPS, *President.*

STATEMENT BY THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES, IN SUPPORT
OF NATIONAL SUFFRAGE FOR CITIZENS OF THE DISTRICT OF COLUMBIA

The League of Women Voters of the United States is celebrating its 40th anniversary this spring. For most of the 40 years of its existence, the league has been on record in favor of national representation for citizens of the District of Columbia. We wish to reaffirm this support today before your committee and urge that the Congress this year submit to the states a constitutional amendment giving the franchise in national elections to those citizens who live within the boundaries of the National Capital.

The league is now organized in 1,080 local communities in all 50 States, with a total membership of 127,000. We believe that these members of our local leagues would enthusiastically work through their State legislatures for swift State ratification of the District of Columbia national suffrage amendment. Indeed, we can think of few issues which they would support with such good will and energy.

The biennial convention is the governing body of the League of Women Voters. At the 1922 convention, held 6 months after all women citizens of the United States except those living in the District of Columbia became eligible to vote in a national election, the convention endorsed national representation for the District of Columbia.

Other league conventions down through the years have endorsed the same principle. Our members outside the District, valuing as they do their own franchise and engaged in encouraging all citizens to cast informed votes when they go to the polls, have never had any trouble understanding the issues in-

volved here. What they cannot understand is why this injustice to District citizens has not been righted long ago.

Carrie Chapman Catt, a leader whose name is connected with the long but finally successful battle for the vote for women, testified in favor of just such an amendment as that now before you, in 1926. Miss Belie Sherwin, as president of the national league, also testified before this same committee, for the same proposal, in the thirties. Miss Strauss, president of the league from 1946 to 1950, also appeared before you, asking for action. We hope this is the last time you will have to listen to the League of Women Voters urge you to pass this measure.

The District of Columbia League of Women Voters has other comments to make on House Joint Resolution 529. The purpose of the appearance of the national league today is simply to assure you that our support is nationwide; that it is enthusiastic; and that our members in 50 States will work for quick ratification if the Congress permits them to do so.

JOINT RESOLUTION SUBMITTED BY J. F. SHOEMAKER, WASHINGTON, D.C.

Proposing an amendment to the Constitution of the United States granting representation in the Senate and House of Representatives and in the electoral college to the District of Columbia.

Resolved by the Senate and the House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution only if ratified by the legislatures of three-fourths of the several States within 7 years of the date of its submission by the Congress:

The people of the District of Columbia shall elect in such manner and under such regulations as the Congress shall provide by law:

1. Two Senators and such number of Representatives as the District would be entitled to if a State, by reason of its population; provided that no person shall be a Senator or a Representative who does not possess the qualifications as to age and citizenship required by sections 2 and 3 of article I of the Constitution, and who shall not, when elected, be an inhabitant of the District.

2. A number of electors of President and Vice President equal to the whole number of Senators and Representatives to which the District would be entitled if a State; such electors shall possess the qualifications required by article II of the Constitution; they shall be in addition to those appointed by the States, and they shall meet in the District and cast their ballots as provided by the XII article of amendment.

3. All duties, privileges and prohibitions enumerated in the Constitution as applying to the Senators and Representatives of the several States shall be considered as applying to those of the District of Columbia.

STATEMENT OF OSCAR I. DODEK, PRESIDENT, MERCHANTS & MANUFACTURING ASSOCIATION ON THE BILL TO PROVIDE FOR NATIONAL REPRESENTATION FOR CITIZENS OF THE DISTRICT OF COLUMBIA

My name is Oscar I. Dodek, and I am president of the Merchants & Manufacturers Association. The association, now 40 years old, represents over 400 of the leading business firms of Washington. The board of governors of my association has unanimously supported the legislation now before you which would give the citizens of Washington the right to vote for the President and Vice President of the United States and which would also give those citizens representation in the Congress. I appear before you today at the direction of my board.

My statement will be very brief because we are in complete agreement with the statement which has been presented by the Citizen's Joint Committee on National Representation for the District of Columbia and we do not want to take the time of this committee today to restate that organization's beliefs and policies.

However, the brevity of this statement should not be construed to mean that this organization is not vitally interested in this legislation. We are completely in support of the bill before you today and strongly urge you to favorably report the measure and to support it when it comes before the House.

Respectfully submitted.

OSCAR I. DOBEK, *President.*

Mr. RODINO. Mr. Chairman, there is an editorial in this morning's Washington Post dated April 6, entitled "Equal Votes for President," as well as a letter to the editor signed by a Mr. Victor R. Daly.

I ask unanimous consent that these items be made a part of the record.

I wish to observe the editorial points out that the best procedure to get national representation through the Congress is by adopting a resolution on the single subject of national representation and presidential vote.

The CHAIRMAN. Without objection it is admitted.
(The editorial and letter to the editor follows:)

[From the Washington (D.C.) Post, Apr. 6, 1960]

EQUAL VOTES FOR PRESIDENT

As hearings begin today on the proposals to grant national suffrage to residents of the District of Columbia, two major questions await decision. Should the House Judiciary Subcommittee approve the Keating or the Celler resolution? Should this proposed amendment to the Constitution stand by itself or should it be submitted to the States as part of the larger package which already has Senate approval? The outcome of this important venture may well be determined by the answers that are forthcoming from Representative Celler's subcommittee.

The first question should be resolved, in our opinion, in favor of the Keating resolution. In addition to having passed the Senate, where similar resolutions have so often been stalled, the Keating proposal is clearly more equitable. Both it and the Celler resolution would give the District Delegates in the House in accord with its standing among the States in the population tables. Both would also give the District representation in the electoral system for the choice of President and Vice President. The Celler resolution would limit the number of District electors to two or three, however, whereas the Keating resolution would fix the number of electors at four or five.

In other words, Mr. Celler would make the number of the District's electors equal to its Delegates in the House; the Senate-approved resolution would add two additional electors (as if the District had representation in the Senate) so as to make votes here count for as much as they do in other parts of the Nation. Fairplay cries out for equal treatment of voters even though they may live in the Nation's Capital.

As to the second question, we have hoped that the House would approve the entire Senate package, including, in addition to the District suffrage proposal, amendments to abolish the poll tax and to permit Governors to fill vacancies in the House in case of national disaster. Stiff opposition appears to have arisen, however, to the last two proposals. Apparently that is the chief reason why the Judiciary Subcommittee is confining its hearing to the proposed District suffrage amendment. Certainly District suffrage should not go down to defeat simply because it is linked with the other proposals. The best procedure is that which will give the national representation amendment the maximum chance for enactment.

A VOICE FOR VOTES

All my life I have wanted to vote for the President and Vice President of the United States. As an American citizen it is my right to vote for these officials of Government. I have been denied this right because my adult life has been spent in the city of Washington. There are thousands of local citizens in the same category.

A serious effort is now being made to remedy this defect in the democratic process. It requires a constitutional amendment. Every citizen of the District

of Columbia should lend his voice and his support to this proposed amendment. It is not a substitute for "home rule." It has nothing to do with "home rule."

The two objectives are not mutually exclusive. As a matter of fact, "home rule" should come more easily once we have the right to vote and representation on the floor of the House, as the amendment proposes.

Let no one feel that the right to vote in national elections will preclude the additional right to vote in a more representative form of self-government for the citizens of the District.

VICTOR R. DALY.

WASHINGTON.

The CHAIRMAN. The committee will now recess, to reassemble at 2 o'clock this afternoon.

(Whereupon, at 12:25 p.m., the subcommittee recessed to reconvene at 2 p.m., this day.)

AFTERNOON SESSION

Mr. HOLTZMAN (presiding). The committee will come to order. I apologize for the lateness but we have no quorum and there is a vote. The rest of the committee is en route.

We would like to hear from Katie Louchheim at this point.

STATEMENT OF MRS. KATIE LOUCHHEIM, DEMOCRATIC NATIONAL COMMITTEEWOMAN FOR THE DISTRICT OF COLUMBIA

Mrs. LOUCHHEIM. Mr. Chairman, as a resident of the District of Columbia since 1934 and as Democratic national committeewoman for the District, I welcome this opportunity to make a very brief statement in support of national suffrage for the voteless citizens of the Nation's Capital. I am certain I need not tell the chairman that my dedication to politics has taken many forms since I became a resident of the District.

I last exercised my right of franchise in November 1932. When I think of the thousands of Americans who do not vote, fail to register, fail to go to the polls, I am even more frustrated than I feel here in the District.

So I think that we ought to do something about the District.

Since 1932 I have been deprived of this right of franchise. I don't think that anything would have more amazed the Founding Fathers than the suggestion that they had created in the Constitution, at the very Capital of the Nation, an area within the United States where almost a million people are denied this fundamental right of the franchise.

On May 3 we will be casting our votes for presidential preference in a primary which has been duly recognized and for which laws have been provided since 1956.

This exercise in political activity gives us the rights that are accorded to citizens elsewhere, but the main right of casting a vote in November has unjustly been denied to us.

There are thousands and thousands of us who, like myself, have made this beautiful city our permanent home and who do not claim residence elsewhere.

May I say, in closing, that I commend the chairman and all the members of this committee for giving us frustrated citizens an opportunity to express our wholehearted support of this amendment.

Thank you, Mr. Chairman.

Mr. HOLTZMAN. Thank you very kindly.

You said you were dedicated to politics. We know that is broad. We know you are dedicated to good government.

Mrs. LOUCHHEIM. Thank you very much.

Mr. HOLTZMAN. We will hear from Mr. William K. Norwood, president of the Federation of Citizens' Associations of the District of Columbia.

STATEMENT OF WILLIAM K. NORWOOD, PRESIDENT OF THE FEDERATION OF CITIZENS' ASSOCIATIONS OF THE DISTRICT OF COLUMBIA

Mr. NORWOOD. Mr. Chairman and gentlemen, my name is William K. Norwood. I am president of the Federation of Citizens' Associations of the District of Columbia.

The federation consists of 54 member associations and is itself a member of the citizens' joint committee on national representation.

I might mention that the total membership of our 54 bodies is approximately 20,000.

The federation and its member bodies have for many years been overwhelmingly in favor of securing for the citizens of the District of Columbia a voice in the selection of the President and Vice President of the United States, and of proper representation of these citizens in the Congress of the United States.

All of the compelling reasons for the granting of this privilege have been ably presented by the speakers who have preceded me and I will not impose on your time by repetition.

We heartily endorse the principles embodied in House Joint Resolution 529, as they relate to amendments to the Constitution, granting residents of the District of Columbia privileges of the franchise.

We respectfully urge favorable action on this bill at this session of Congress.

Mr. HOLTZMAN. Thank you very kindly.

We will hear Mr. John Dalton, president of the junior chamber of commerce.

Mr. Dalton?

STATEMENT OF JOHN M. DALTON, PRESIDENT, JUNIOR CHAMBER OF COMMERCE OF WASHINGTON, D.C.

Mr. DALTON. Mr. Chairman, I sincerely apologize for being out of the room prior to the adjournment when my name was called, but I had left on the supposition that I was to make my remarks after 2 o'clock. I do apologize to the Chair.

Mr. Chairman and members of the committee, I am John M. Dalton, president of the Junior Chamber of Commerce of Washington, D.C. Members of the subcommittee, I am sure, are very much aware of the purpose of the Jaycees from those activities conducted in your communities.

I am appearing today in support of House Joint Resolution 529, which would give residents of the District of Columbia the right to vote for the President and Vice President of the United States. Further, the joint resolution would provide national representation

for the District of Columbia through elected delegates to the U.S. House of Representatives with such powers as the Congress, by law, provides. The Junior Chamber of Commerce of Washington, D.C., is in complete accord.

The people of the District of Columbia want to share with other American citizens the basic right of all Americans to have a voice in the elections of the President and Vice President of the United States. Likewise, we believe it only just that the residents of the District of Columbia have their views represented in Congress. It is unthinkable that 425,000 American citizens should be disfranchised. It is equally unimaginable that 425,000 American citizens should not have their views directly represented in the Congress of the United States. The Junior Chamber of Commerce of Washington, D.C., since 1951, has steadfastly maintained this premise.

Mr. McCULLOCH. Mr. Chairman, I would like to interrupt the witness for a question.

What are the sources of the figures which you have just used, which are that 425,000 American citizens are disenfranchised?

Mr. DALTON. There has been general reference to 850,000 population. As of July 1, 1958, those individuals who are 18 years and older in Washington, D.C., amounted to 598,000 people.

We have taken a conservative estimate—approximately 70 percent of those individuals, and this would be representative of those, of persons who would be of eligible age in exercising this voting right, if so granted through this enactment.

Mr. McCULLOCH. Do you take the age of 18 or 21?

Mr. DALTON. Twenty-one. That is why we have down-numbered it.

Mr. McCULLOCH. Do you take into consideration those temporary residents of the District of Columbia, or those permanent residents of the District of Columbia, who maintain a voting residence outside the District?

Mr. DALTON. Sir, unfortunately those facts weren't available to us. The 598,000 represents a definite resident status in the District of Columbia.

Mr. McCULLOCH. And you do not know how many people there are in the District who maintain a voting residence outside the District?

Mr. DALTON. No, sir; I do not.

Mr. McCULLOCH. And you do not know how many there are of those people and what number it would represent, including their families not of voting age?

Mr. DALTON. No, sir; I do not.

Mr. McCULLOCH. This figure then is subject to many factors which should be properly weighted before it is given complete effect?

Mr. DALTON. Yes, sir. As I stated, we had used a definite figure and taken an approximation on what we considered a conservative representation of this definite figure that we did have.

Mr. HOLTZMAN. I would like to ask the witness: Would you change your thinking about this legislation if you found that there were 300,000?

Mr. DALTON. No, sir. It is definite.

Mr. McCULLOCH. One further question. It is a principle that is involved, isn't it?

Mr. DALTON. Yes, sir.

Mr. McCULLOCH. And you believe that qualified American citizens, wherever they should be, should not be denied their right of elective franchise?

Mr. DALTON. That is correct.

Mr. McCULLOCH. That would be true whether they lived in Puerto Rico, the Virgin Islands, Guam, or any other commonwealth, territory, or possession of the United States?

Mr. DALTON. Yes, sir. We feel that there is no distinction as to American citizens in these United States.

Mr. McCULLOCH. And there is no weight that should be given various factors of the location and the position in the economy of our country?

Mr. DALTON. Yes, sir. We feel what the Constitution grants to one should be granted to all.

Mr. HOLTZMAN. You may proceed.

Mr. DALTON. There can be no question of the justness or fairness of our request. Thinking and fair-minded people throughout the Nation support us completely in our insistence that residents of the District of Columbia be permitted to participate in the Government of our country. We are also supported in this position by the U.S. Junior Chamber of Commerce who by resolution have affirmed, and I quote:

Whereas the Junior Chamber of Commerce of the United States believes firmly that no American citizen should be denied the opportunity to share with fellow American citizens in the great national privilege of voting for President and Vice President of these United States; and

Whereas several hundreds of thousands of American citizens resident in Washington, D.C., the Nation's Capital, are now denied this national privilege through no fault of their own for purpose of the Founding Fathers: Be it

Resolved, That the Junior Chamber of Commerce of the United States urge American citizens everywhere to join with it in a vigorous campaign to bring this grave injustice in the democratic decision making process to the attention of the people of the Nation and through them to their elected Representatives in the Congress of the United States and the legislatures of the several States; to the end that

The Constitution of the United States be amended to grant to American citizens resident in Washington, D.C., the opportunity to participate with their fellow American citizens in the national election of President and Vice President of these United States.

Presently, I am serving as a member of the board of directors of the U.S. Junior Chamber of Commerce—U.S. Jaycees—and almost without exception they have reaffirmed to me their continued support and approval that the residents of the District of Columbia should be full-time American citizens.

The responsibility for meeting this issue equitably rests with this subcommittee and the Congress. We cannot believe that our democratic society condones disfranchisement of a substantial group of its citizens. We respectfully submit that a responsible Congress cannot fail to grant residents of the District of Columbia the right to share in our national affairs. We urge your early approval and the Congress prompt enactment of House Joint Resolution 529.

I thank you for this opportunity to reflect the position of the Junior Chamber of Commerce of Washington, D.C.

Mr. HOLTZMAN. Thank you very much. We are delighted and happy to have heard you.

Mr. DALTON. I appreciate the opportunity to attend, sir.

Mr. McCULLOCH. One further question. I think it was perhaps propounded to another witness or two in my absence.

Do you think that proper respect or regard should be given to those residents of the District of Columbia who maintain a domicile or legal voting residence outside of the District in determining representation, either by Delegates or by Representatives in the House of Representatives?

Mr. DALTON. Sir, I feel that we are concerned with the principle, and I rely on the good discretion of Congress to peruse these particular facts and information so available so that they will be able to bring about a proper solution to such problem.

Mr. McCULLOCH. You think then that that is a technical matter that should be left to the Congress?

Mr. DALTON. I feel so; yes, sir.

Mr. McCULLOCH. You certainly do not believe that a person should be permitted to vote in Ohio, for instance, and at the same time be counted as a resident of the District of Columbia and given representation in the House in accordance with that fact?

Mr. DALTON. In connection with a national election, for President and Vice President, I think one vote should be sufficient for said individual.

Mr. McCULLOCH. I am talking about the number of Representatives to which the District would be entitled in the House of Representatives should those who maintain a domicile or a voting residence in a State other than in the District of Columbia. Do you believe that such person should be counted in determining whether there should be one, two, three, or more Delegates or Representatives in the House from the District of Columbia?

Mr. DALTON. I feel that we should leave that to the discretion of the Congress.

Mr. HOLTZMAN. Thank you, Mr. Dalton.

We will now hear from Mr. Harry Wender, representing the national organization of B'nai B'rith.

STATEMENT OF HARRY S. WENDER, ATTORNEY, REPRESENTING B'NAI B'RITH, WASHINGTON, D.C.

Mr. WENDER. Thank you.

I am Harry S. Wender, I am an attorney, with offices at 2026 I Street NW. I have been a resident of Washington almost all of my life, and I appear here as a governor of the supreme lodge of B'nai B'rith which, I think, as the chairman knows, is the oldest and the largest Jewish service organization in the world.

Today I speak for the supreme lodge by direction of its president, Mr. L. Katz, of New Orleans, and its executive vice president, Mr. Louis Bisgyer, who is in New York City today and asked me to appear.

Our supreme lodge has on numerous occasions approved the legislation inherent in House Joint Resolution 529. We have been for many years supporters of Chairman Celler in his efforts to bring about Americanization of residents of the District of Columbia.

I may say that only this past Sunday the nine local lodges of B'nai B'rith met in their National Capital Association of Lodges in Wash-

ington and approved unanimously this specific resolution. I think the new president of that organization may be heard from later before the committee.

I should like to take a few moments to state my personal position, Mr. Chairman, because I have been around a long time working for this and other legislation. It is now 31 years since I first started my civic activities, appearing before this and other committees of Congress. During that time I have served 10 years as founding chairman of the District of Columbia Recreation Board, and many years ago as president of the Federation of Citizens Associations. Mr. Norwood, its current president, has told you how many years we have been seeking national representation on suffrage.

For 30 years I have been a member of the National Committee on National Representation which may give you some idea of how long we may suffer.

My dear friend Jesse Sutback will groan and say how long before I was born he was worrying about this problem.

The fact is that those of us who are residents—I mean by that genuine residents—frankly, Mr. Chairman, are not much concerned with those persons who come to Washington in a vicarious basis and can, and do, vote elsewhere. Whatever may be done by Congress with respect to their right to vote here or elsewhere is their business and Congress business. But I would like to speak for the voteless resident of Washington, not the voting resident.

I know people, dear friends of mine, who maintain their vote elsewhere, and for good reason, principally because there is no way of voting here, and therefore they ought to, and want to, maintain an inherent and inalienable right which they have elsewhere, and which is very precious to them, and that is why they keep it.

Mr. HOLTZMAN. Don't you feel that if representation is given, if the vote is given here, that most of those voting nonresidents, as you call them, would establish their residence here and elect to vote right out of the District?

Mr. WENDER. I am sure that they would. And even in those cases where they didn't, because of their own personal and political preferences—certainly they are entitled to that—I want to make it clear, Mr. Chairman, that there comes a time through just the inexorable laws of vital statistics, that death comes along, and those persons no longer are of voting residence elsewhere but their children are nonvoting residents here.

I am a victim of such a situation. My father moved here from Knoxville, Tenn., 51 years ago. I could have voted if I had stayed in Tennessee, but I came to Washington and neither he nor I have voted since. My dad passed away several years ago, but he was interviewed just before he died and pointed out what a great loss it had been to him in his 83d year that for all these years he lived in the Nation's Capital, in this great country, and didn't have a chance to vote.

This can't be understood by a person who has never voted. Actually you gentlemen who come from States where this is part of the very life that you share with others don't know what it is like, really, to be a pariah among other people. Wherever I go, all over the country—and I have done a good deal of traveling for the past 10 or 15

years, particularly for some of the organizations with which I am connected—it is not easy to make other people understand that we don't vote here. I have actually had people bet with me that I was wrong, that I didn't know what I was talking about. I have said this before to other committees of Congress.

It isn't possible for the average person who sees the sun rise and set every day to believe that it is possible for American citizens to be born in this country and really not have the rights of citizenship.

This is a golden opportunity that we face, and that this committee faces. I have been before this committee for many years in the past and always felt a sense of frustration because there didn't seem to be the atmosphere in the Congress that we in Washington shared in wanting this legislation.

Mr. McCULLOCH. Mr. Chairman, I would like to ask a question there, at the risk of interruption, which I do not like to do.

Mr. WENDER. That is all right, sir.

Mr. McCULLOCH. You wouldn't have the committee believe that there is complete unanimity of opinion on the part of nativeborn District of Columbia people on this question, would you?

Mr. WENDER. No, Congressman, never, never. There is never unanimity of opinion on any forward step that I have ever seen come before Congress.

Mr. McCULLOCH. In any event, there is no unanimity on this position, and there are some very well educated people with substantial business interests here who feel just exactly opposite to your feelings, aren't there?

Mr. WENDER. Mr. McCulloch, my answer to that is that I don't know of any substantial business interest or men of the caliber that you have mentioned who are opposed to this legislation.

Mr. McCULLOCH. You say you just don't know of any?

Mr. WENDER. No, sir; but I have been around—

Mr. McCULLOCH. Wait just a minute.

Mr. WENDER. I am sorry.

Mr. McCULLOCH. We will get along here in a friendly manner. You wouldn't want the record left with the impression that there was near unanimity on this proposal, and that there weren't people of substance who question the propriety and the result of the effects of this resolution, would you?

Mr. WENDER. No, sir. I would not go that far.

Mr. HOLTZMAN. You wouldn't change your thinking about the justification for this legislation, even assuming that there was not unanimity, would you?

Mr. WENDER. No, Mr. Chairman, I wouldn't. And my feeling that I want to make clear is that I believe there is a stronger support for this today than there has ever been in all the years of my acquaintance with the problem in Washington. There was a time when I assumed a position of leadership in trying to get this kind of bill passed.

I remember during the war when I appealed personally in the press and by mail, and by telegram to the then President of the United States and to one who sought to be—Governor Dewey of New York—urging them to come out on a nonpolitical basis supporting this proposition. It was impossible then to get that done.

Mr. McCULLOCH. I would like to ask this question: You had been interested in these proposals for a decade or more, perhaps two decades, because you go back to the war.

Mr. WENDER. Three decades.

Mr. McCULLOCH. Were you interested when Joint Resolution 35 was being considered in the Senate in 1941? I do not intend to be technical by referring to it that way. There was, I will say positively—

Mr. WENDER. Indeed I do.

Mr. McCULLOCH. Senate Joint Resolution 35 considered at length in the Senate in 1941.

Mr. WENDER. Yes, sir.

Mr. McCULLOCH. I presume you are familiar with the report that was made by the Judiciary Committee of the Senate on that resolution?

Mr. WENDER. I am generally familiar. I wouldn't want to be asked to quote from it now, sir.

Mr. McCULLOCH. I am not trying to trap you at all. I am trying to develop a record here—

Mr. WENDER. Yes, sir.

Mr. McCULLOCH. To which men of fair minds can turn and come to a conclusion, if they haven't already made up their minds.

Mr. Chairman, because this does go back almost two decades, and by reason of the lengthy hearings that were had on Senate Joint Resolution 35 in 1941, I would like to have made a part of the record at this time the entire report which came from the Senate Judiciary Committee, and it may be identified as Calendar No. 60, Report No. 646, 1st session, 77th Congress.

I might say for the record, that, and so that everyone will know what I am talking about, this was apparently a unanimously adverse report on a proposal which, while not entirely like the one before us, had at least one, if not three, sections which were much like this resolution. I would like to have it in the record.

Mr. HOLTZMAN. Without objection. There are several reports on this very subject, some adverse, some favorable. Without objection counsel will be directed to include all of those reports in the record.

[From Index to the Congressional Record, 51st Cong., 1st sess., 1889-90]

SENATE JOINT RESOLUTIONS

S.R. 11—Proposing an amendment to the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the Electoral College.

Introduced by Mr. Blair and referred to Committee on Privileges and Elections 112.—Reported back adversely 297.—Debated 802, 10026, 10119.

S.R. 18—Proposing an amendment of the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the Electoral College.

Introduced by Mr. Blair and referred to Committee on Privileges and Elections 124.—Reported back adversely 297.—Debated 802, 10026, 10119.

[From the Congressional Record, Sept. 17, 1890, p. 10119-10123]

DISTRICT OF COLUMBIA REPRESENTATION

Mr. BLAIR. I renew my request that the Senate proceed to the consideration of joint resolutions which I mentioned for the purpose of giving me an opportunity of addressing a few observations to the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S.R. 11) proposing an amendment to the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the Electoral College, and the joint resolution (S.R. 18) proposing an amendment of the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the electoral college.

Mr. BLAIR. Mr. President, Senate resolutions No. 11 and No. 18 were introduced by me on the 5th and 9th days of December last respectively, and duly referred to the appropriate committee. On the 19th day of December they were reported back to the Senate adversely, with the recommendation that they be indefinitely postponed. The unexpectedly prompt action of the committee deprived the people of the District of Columbia of any opportunity to be heard, an opportunity which a large number of the representative men of the District, if indeed it may be said that the District has any representative men or any men whatever in the sense of American citizenship, most earnestly desired, and they were somewhat surprised that those resolutions were so summarily disposed of.

I asked that they be placed upon the Calendar, hoping that an opportunity might be found for hearing in the parent body, and if not here, then presently in the country at large. No non-voting population is of much consequence in a republic, except to pay taxes, and, if men, to shed their blood in war for the support of the Government. Although the neuter condition of citizenship in this District has long been to myself, as well as to many others, a subject of serious thought, and in the last Congress I had prepared and introduced a similar proposition for a constitutional amendment giving suffrage for national purposes and representation in both Houses of Congress and in the electoral college to the District, I was then and now am prepared to find years of agitation necessary before the people of the United States, or even of the District itself, shall fully arouse themselves to remedy the evil.

It would be difficult to imagine a more striking evidence of the real political inconsequence of the manhood of the District of Columbia than is furnished by the treatment which this measure has received, supported as it is by the committee of one hundred and the great mass of the people of the District.

I believe it should be and will be generally conceded that the Senate Committee on Privileges and Elections is as able and patriotic a committee as has ever existed since the adoption of the Constitution.

As it should be, that committee is acutely alive to the rights of man, and especially to those touching the sovereignty of the citizens. That committee has evolved a comprehensive and rigid bill for the regulation and security of elections in all parts of the country where men have the right to vote.

A freedom-loving House of Representatives has not only considered such a bill in committee, but has passed it with great emphasis and solemnity. But when I present and urge in two successive Congresses a proposition to make the men-folks in a community of 230,000 American citizens politically free, by giving them the right to vote and to participate by their chosen representatives in making and executing the laws which control the property and the lives of themselves and of their wives and children, the Congress can not find time to listen, their plaint for freedom is unheard, and like our forefathers in the palace of George III, they are spurned with contempt from the foot of the legislative throne, and this from a Congress as likely to give consideration to the cry of the oppressed as any that could be culled from the American people.

We seldom see anything like it save in the common treatment accorded to woman in her efforts to obtain political liberty; and I am forced to the conclusion that, in the general apprehension of the country, there are no men in the District of Columbia, but two kinds of women rather, who, politically, are in no wise to be distinguished from one another. Two hundred and thirty thousand negroes living in a State, and having under the Constitution the right to vote, would have been heard in Congress until they broke down the pillars of the Constitution but their wrongs should have been redressed; yet these alleged men, white and colored, living in the District of Columbia, calling by scores of thousands for the right to vote, get no hearing simply because time presses, cry they never so loudly, during now these two Congresses, and whether the future is more hopeful for them remains to be seen.

This is no long-haired-man application for woman suffrage, no scheme to drag angelic woman down, but simply that the lords of creation in this District may be raised to the level, to the par value, of their fellowmen in the States around them.

Woman here must wait on the progress of her sisters in the States so far as this proposed amendment is concerned. Yet I am so impressed with the innate importance of the subject, that, with slight expectation of present action, I crave the indulgence of the Senate while I endeavor to present a few thoughts which may serve as the thin wedge to force a crevice in the public mind, which time and reflection may widen until the nation shall open its head and its heart to receive the people of the District of Columbia into the body-politic.

The first joint resolution is as follows :

"Joint resolution proposing an amendment to the Constitution to confer representation to the District of Columbia in the two House of Congress and in the electoral college.

"Whereas the people of the District of Columbia are subjected to taxation without representation, contrary to a fundamental principle of all free government; Therefore,

"Resolved by Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as a part of the Constitution, namely :

"ARTICLE XVI.

"SECTION 1. That the District of Columbia shall be entitled to representation in the Congress of the United States by one Senator and by one or more Representatives, according to the rule of apportionment established by Article XIV of the Constitution. Said District shall also be entitled to as many electors for President and Vice-President of the United States as it has members of Congress.

"SEC. 2. That Congress shall provide, by law, the times and manner of choosing the Senator, the Representative or Representatives, and the electors authorized by this article."

Omitting the formal parts, the second joint resolution is as follows :

"ARTICLE XVI.

"SECTION 1. The District of Columbia shall be entitled to representation in the Congress of the United States by one Senator and by one or more Representatives, according to the rule of apportionment established by Article XIV of the Constitution. Said District shall also be entitled to as many electors for President and Vice-President of the United States as it has members of Congress; *Provided*, That such representation in the Congress shall not participate in joint convention of the two Houses, nor in any proceeding touching the choice of President or Vice-President, nor in the organization of either House of Congress, nor speak or vote upon any question concerning the same.

"SEC. 2. Congress shall provide, by law, the time and manner of choosing the Senator, the Representative or Representatives, and the electors authorized by this article."

It will be observed that the propositions are identical, with exception of the proviso in the first section of the second resolution, which restricts the proposed representation of the District from any participation in the choice of President and Vice-President by the joint convention of the two Houses, or in any proceeding touching their choice by the House, or in the organization of either House of Congress.

This proviso is of importance as a matter of detail, but I do not deem it of consequence in the discussion of the main question, upon which, without further delay, I will now proceed to offer a few brief observations.

Montesquieu, the great French legal philosopher, in his Spirit of Laws, has taught us that every form of government must be administered in conformity with its own spirit or become a failure; that a despotism must be despotic, and in all departments of administration conform to the theory of despotism; that a monarchy must be monarchic, and that the republican form of government must be consistent with its own theory, or that in their practical working these several forms of government will destroy themselves.

This is a brief way of stating a great philosophical truth founded in human nature and in the nature of things.

Government is simply a method of controlling society as a whole for the benefit of all its parts, and all its parts for the benefit of the whole, by some power superior to any which can be opposed to it. Government has existed, and it must exist, chiefly in three general forms: Despotism, in which the one-man power is supreme over all, and monarchy, where one man governs under limitations of established laws; aristocracy, or the government of the many by the few for the benefit of the few primarily, and secondarily for the benefit of the many, in so far as their good will promote that of the few in still greater degree; and the republican form, or government of the people, by the people, and for the people. Under these three forms, the despotism, the aristocracy, and the democracy or republicanism, or their variations, all human government necessarily exists.

It will be observed that the primary object of all these forms of government is the same: The subjection of society to some general rule of conduct, which, however imperfect in its operations, is yet a curb to universal license, and a rescue from the intolerable evils of anarchy. In all government there must be, necessarily, three elements: The law itself, which implies a law-giver; the construction of the law and its application to instances as they arise in society, which is the function of the judge, and the execution of the law, which is the work of executive power. These three functions, then, constitute government—the legislative, judicial, and executive; and whether these departments are vested in a single will as in a despotism; in a combination of few wills, acting harmoniously, as in the aristocracy; or in the people at large, that is to say, in the republic—they are the same in nature.

These three different forms are each at different periods of the development of society more excellent than either of the others—the despotism appertaining to the lowest, as the aristocracy does to the medium, and the republic to the highest degree of civilization known among men. A moment's reflection will reveal the truth of Montesquieu's observation, for it is apparent that the one-man power as a form of government is inconsistent with either of the other two, and therefore to combine it with them, or with either of them, of necessity must lead to antagonism and conflict and failure. And what is true of the effort to combine absolutism with democracy is necessarily true of the effort to intermingle all these three forms of government with each other. There may be transitions from the one to the other as society changes from the lowest to the highest; from the highest downward, as society retrogrades.

But these diverse principles cannot permanently operate harmoniously together. They are attended with conflict of necessity. If society has passed, and if the masses of men have arisen from the condition of abject servitude, which is their condition under a despotism or an aristocracy, to that high plane of intelligence and capacity which enables them to govern themselves in the republican form, it is manifest that they must abide by that form completely if they would wholly maintain their liberties, their governmental standard of excellence, and the prosperity and happiness and perpetuity of their nation as a whole. These propositions are commonplaces in political philosophy. Their repetition may seem to be the unnecessary consumption of time. Certainly one would not expect to see these fundamental and manifest principles directly violated by the great Republic in the most conspicuous and flagrant manner, in the heart of its institutions and on the very theater where its laws are made, construed, and executed.

It would be supposed that the Government of the United States would be administered in the republican form; that the capital of the foremost Republic on the face of the earth, that one spot exclusively under its control, would itself be a model republic, without the trace of despotism or aristocracy; that in such locality as might contain the seat and creative arena of governmental activity the people themselves would be free; that such a community would illustrate in the highest possible form the practical workings and the superior blessings of a democratic and representative form of government; that in such a specific locality, if nowhere else, government of the people would be by the people and for the people; that it would be founded upon the consent of the governed; that life, liberty, and property would be protected and secured by laws founded upon the principles of that Constitution which applies to the country generally; that there would be no taxation without representation; that the executive power would be derived, if not immediately, at least remotely, from those upon whom the law is executed, and that an enthusiastic admirer of free institutions from lands ridden by tyranny might come to the capital of free America to behold the

great object-lesson of liberty in its practical operation among the masses of the people.

It would hardly be believed that the great Republic had set up a despotism in its own heart and built therein a nest for faction, intrigue, and corruption, and had ordained a complete subversion of the rights, interests, and will of the masses of the people and their complete subjection to an extraneous system sometimes inimical to their good, and over the creation and direction of which the people concerned have no control whatever save only that which may be had by prayer and supplication addressed to their earthly masters. It can but be a matter of surprise that such a place should be selected as a safe depository for the original Declaration of Independence and for the archives of a free government.

The District of Columbia, originally 10 miles square, has been diminished by the retrocession of that portion lying south of the Potomac River and in the State of Virginia, which took place in the year 1846, and now consists of 64 square miles located on the north side of the Potomac River, with a population at the present time of 230,000 souls.

The population has grown from the trifling numbers who lived here in the year 1791, when the District was made the seat of Government, to a mass greater than the population of not less than three of the States now in the Union, and larger than that of most of the States which have been admitted to the Union since the organization of the Government at the time of their admission. There is every reason to believe that within another century these will be more than two million of people in this District, and that the growth of the District will keep at least equal pace with that tremendous expansion of population and power in the nation at large which is as inevitable as futurity itself. Destruction is the only escape from this terrible growth and the responsibilities which are thereby imposed.

Our fathers who declared their independence, who achieved it by arms, who established the Government upon the principles which they had vindicated in battle and consecrated in blood, never dreamed that by the establishment of the Federal District, in order that the National Government might have a secure, unfettered field for its operations, they were laying the foundation for a vast community of political slaves. They understood that the people of the District of Columbia would possess all the rights and liberties which belonged to other American citizens, and that residence here would be a political blessing, not a political curse.

In advocating the adoption of the Constitution, Madison and Hamilton asserted that the people of the District would, as a matter of course, be entitled to the functions and advantages of local self-government; and, as a matter of fact, until the year 1871, the District of Columbia possessed a republican form of government in all local affairs. It was the home to that extent of a free people. They were substantially in a Territorial condition; not, to be sure, participating in the enactment of the general laws of the land, and in the transfer of the executive power, but still in possession of local laws enacted by themselves and the administration of their local affairs; and a portion of the time enjoying the right to be heard by a delegate duly chosen to represent them upon the floor of the House of Representatives. There is now existing a large volume of laws enacted by the local authority. So far their condition was superior to that of a Territory.

If, in the origin of this community, resulting, as it did, from the location of the General Government in this then almost vacant District, there had been failure to establish the forms of free government for the benefit of the inhabitants by reason of the absorption of Congress in the great affairs of the nation at large, a long period should have elapsed before attention was turned to their deprivation of the benefits of self-government, it would not have seemed so very strange, since the influences of free government surrounding them, and the very habit of liberty, if I may so speak, would have prevented the infliction of serious personal wrongs, although there might have been no positive law for the locality to which appeal could have been made for their vindication.

But, as the community grew larger and more and more formidable, one would have expected that inevitably the Congress would have hastened to establish a model school of republicanism in this District; and it seems to me incomprehensible that after nearly a century of actual local self-government, such as it was, that the American Congress as late as the year 1878 should have proceeded to subvert whatsoever there was of republicanism and democracy actually ex-

isting in a community which then had attained to the number of at least 160,000 souls—more than that of many of the States at the time of their admission into the Union—and to remand the whole community for its present, and apparently for its entire future, to a condition of political vassalage.

I venture to say that no act of more stupendous and dangerous inconsistency has ever been perpetrated by the legislative power of any free people in violation of the principle of their own form of government since the foundation of the world; that, considering the political enlightenment of the age in which this was done, no such example of incomprehensible and fatal violation of the first truth of governmental theory laid down by Montesquieu as of universal application has ever been known. If heedlessness led to it, it should be remedied. The slightest thought should be adequate to induce its reversal and provide for its remedy. If it be indicative of something worse—of a lapse of fealty, and of sensitive adherence to the principles of free government on the part of those who are intrusted with their administration, or indeed of indifference to those principles on the part of the people themselves—then, indeed, is there cause for alarm, for no slave community can grow up around and be a part of the administration and heart-movements of this great Government without the sure derangement of the circulation of the very life-blood of its liberties to the extremities of the nation.

If this state of things has been protracted, lo, now these twelve years, against the unheard and, to a great extent, the suppressed remonstrances of the masses of the people in this city, and if daily the control of this community is becoming more and more absolute in the possession of leaders of factions and combinations and rings and syndicates which derive their strength from unholty or indifferent relations to and with the representatives of national power who are intrusted with the government of the District, or if there is danger that this may now be or may become so, then it is high time, indeed, at once to call a halt, to seek the hospital and attack this cancerous growth at once with medicines, or, they failing, with the knife.

If these 230,000 people are satisfied with their condition, that is the worst indication of all, and it can only be accounted for upon the same principle that the fat dog in the fable was willing to wear his collar. If they prefer fat to liberty, and lazily acquiesce in a condition which, as population increases, will inevitably develop a proletariat of helots and sycophants not superior to those of ancient times, who, in the turbulent days and nights which are sure to attend the history of our nation (as turbulent periods have attended the history of all nations), will be specially dangerous in the Capital City, the cause for alarm can not be exaggerated.

These silent, irresponsible, untrained, and dangerous masses will sometime constitute a mob as untamable and destructive as that of Paris or old Rome. The fact that this is a community of schools is no source of ultimate safety, for an educated people will be free or they will be anarchists, and there is no mob so dangerous as an educated mob. Witness Chicago. To play with principles is more dangerous than to play with fire; and it is particularly dangerous for a free government to violate the principles of freedom, of which qualification for self-government and the practice of self-government by the individual citizen are the most necessary of all.

It is true that in the local affairs of the District present order prevails, and that the principles of good government rooted in the administration of the States surrounding the District and operating in the country at large are still prevalent in this vicerealty, and that time has not yet sufficed to produce serious insecurity of life, liberty, or property, although the great fundamental right of all, which is the right to be politically free, and from the absence of which all other political evil will ultimately result, has been utterly subverted and destroyed; but these recent years, so full of material growth, have been sufficient to develop a marked difference between the rising population of this city and the corresponding population in any like community within the States.

No citizen of the United States, resident in a State and familiar with the practical working of free institutions, on becoming familiar with the settled population of the District of Columbia, can fail to observe the marked difference between them and the rest of the American people. This is especially noticeable when the young men born and reared in the District are compared with the great body of the young manhood of the country. Patriotic as they are and proud of their country, yet these splendid young men impress me that naturalization is the one thing needful to make them Americans.

The contrast between the father born and reared in one of the States, where from childhood he daily witnessed and participated in the political life which surrounded him, and grew up subject to the impressions of such an environment, of which in subsequent years he himself became a sovereign part, and that same father who in later years has come to reside and rear his family in this District, and his own boys who have grown up in the capital of their country, but untouched by the transforming atmosphere of free local self-government, enveloping and penetrating every-day life, is very marked and startling.

It is not too much to say that if the political conditions under which 230,000 American citizens who live in the city of Washington prevailed throughout the country the people of the United States would become incapable of self-government within a brief period of time. A young man who never has passed through an election, who never saw a vote cast or counted, and who never expects to cast one himself, unless he goes away from home, who simply grows up in his father's place of business upon Pennsylvania avenue, or on F street, reading of political movements in the States as he does of those in a foreign country, or who is even the Washington city-bred son of a soldier who fought to preserve the Union, does not seem, as a rule, to care any more about the general course of political affairs, or, as I have observed him, to be any better fitted to control the future of his country than the mass of intelligent foreigners, or than the girls by whom he is surrounded and perhaps in prospective usefulness as citizens is surpassed.

This would be a comparison unfavorable to the general girl of the country who has received the training which comes from association with fathers and brothers constantly engaged in the discussion of public questions and the performance of the duties of self-government. It would be far better to surrender the future of the States and of the nation into the hands of the girls of the country at large than into the hands of men reared as, through no fault of their own, but of necessity, are the young men of this District under existing laws.

I have alluded to the manifestations of the increasing subjection of the affairs of the District to the control of syndicates and combinations of wealth for the advantage of the few and the disadvantage of the many.

This subordination becomes, even for the most common and honorable enterprise, almost a matter of compulsion, and, in fact, is an evil born of necessity, for the general good, because there is no way in which the general will can manifest itself. And so all activities of enterprising capital which look to its own aggrandizement and to the aggrandizement of the city, and to the development of this vast and inauspicious capital, are compelled to resort to such means as are left open to them through manipulation and careful management of men under whose control the present system of government has placed them, because there is by law no way in which their purposes can be honorably effected by methods which will bear the light, and which are based on broad and generous devotion to the interests of the whole community and a just regard to the rights of the several parts.

Nor is it possible to conceive of a system of government better calculated to invite the employment of methods which allure, if they do not corrupt, the general legislative power of the land to acts of questionable propriety on the part of some and a general indifference on the part of the whole to the individual rights of a great community; and it is a dangerous thing when those who legislate for 65,000,000 people come to regard lightly or fail to exercise vigilantly their power and obligation to administer faithfully the principles of individual liberty when the law has charged them with that responsibility.

Yet such is the pressure upon every Representative and Senator of the affairs of the community which sent him here that it is impossible for even the committees of the two Houses, specially charged with the legislative interests of those people, almost as perplexing and entangling and extensive as those of a whole State with its local Legislature, to find time to comprehend, much less to legislate properly for, even as committees, the interests of the people here; and could the committees perform their full duty, the Congress at large is able to enact but a small part of the legislation required for the general good of the whole country; and consequently the affairs of the District are liable to be almost absolutely abandoned to such fate as may happen to befall them in covert manipulation and in the practically irresponsible action of the triumvirate, however honest, who constitute whatever of formal government Congress has condescended to give the people since the subversion of the political liberty in the year 1871, made complete, and, apparently, perpetual in the year 1878.

This is no trifling matter, and I verily believe that it constitutes a drop of poison in the heart of the Republic, which, if left without its antidote, will spread virus through that circulation which is the life of our liberties.

The District of Columbia has deserved well of the Republic. The balance of monetary obligations as between the General Government and the people of this city is very largely against the General Government. I shall produce some statistics to demonstrate this and to remove the impression which has been so generally made to the contrary. The District contributed its full quota of men and money to the common defense in the war of 1812, and suffered more largely from its disasters than almost any other community in the whole country. When the war was over the enterprising people of this District contributed at once and very largely to the reparation of the ravages of the great struggle for the benefit of the nation at large, as well as of themselves.

They paid their full share of taxation specially for the prosecution of the war for the preservation of the Union, and gave their sons and their blood to the same end and to their full proportion, and 18 percent beyond the quota which the law required of them for the active service.

There is now a valuation of property of the District, exclusive of that of the Government of nearly \$150,000,000; and including that of the Government itself, from \$250,000,000 to \$300,000,000, an amount in excess of the valuation of the following States: Idaho, Wyoming, Washington, Montana, North Dakota, and South Dakota. In this connection I call attention to the following table, prepared by one of the leading citizens of the District for my use:

Comparative statement—New States Territories, and District of Columbia

States, etc.	Population.	Appraised value.	Authority for same.
Idaho.....	117,225	\$24,000,000	H. R. Report No. 1064 and S. Report No. 316.
Wyoming.....	100,000	31,500,000	S. Report No. 115.
Arizona.....	100,000	32,089,613	H. R. Report No. 4053, page 7.
New Mexico.....	200,000	56,000,000	H. R. Report No. 4090, page 3.
Utah.....	210,000	250,000,000	H. R. Report No. 4156, page 2.
Washington.....	160,000	61,562,739	H. R. Report No. 1025, page 12.
Montana.....	175,000	55,076,871	H. R. Report No. 1025, page 10.
North Dakota.....	225,000	71,582,000	H. R. Report No. 1025, pages 54, 57.
South Dakota.....	375,000	63,000,000	H. R. Report No. 1025, pages 61, 91.
District of Columbia.....	230,000	148,649,586	Assessor's report, 1899, page 5.
Property exempt.....		9,946,443	
Real and personal tax.....			\$2,209,321.34
Paid for licenses, 1889.....			157,579.94
Total taxes.....			2,366,901.28

This is the property and taxes of private citizens. The United States Government owns property to nearly an equal amount.

NOTE.—The figures for the new States and Territories are in nearly all cases estimated by their advocates, and no doubt are excessive; but I have given them as they estimated them—all they claimed. Ours are official.

The population of the District of Columbia is a trifle under 230,000; the exact amount I have not by me.

W. C. DODGE.

JULY 23, 1890.

For internal-revenue tax paid, see memorial, page 10, inclosed.

Population is rapidly increasing, and it must continue to increase, probably for centuries. I do not believe it to be possible for the existing order of things to continue. It is already so bad as to be unsupportable, and the principles of government—I should rather say of misgovernment—and of administration, which have made things what they are—and they are, in my belief, far worse than appears upon the surface—will inevitably operate in the same evil direction with acceleration as time goes on. One of the most hopeful indications of the situation is the fact that the masses of the people are themselves exceedingly restive under the conditions imposed upon them. I do not believe that existing matters can go on as they are many years without popular outbreaks in the District. Certainly nothing can suppress their manifestation but the presence of armed power, such as keeps peace in Warsaw. Sooner or later the public safety will require that the principles of popular liberty be applied in this city, and they should be applied immediately.

To one entertaining views thus briefly and imperfectly expressed, the important question is, What is the remedy? Certainly there must be a remedy if our form of government be not a failure; and reverting once more to the great truth enunciated by Montesquieu, it is obvious that we must seek that remedy in the complete application of the principles of our form of government to the people of this District, who, by their numbers and locality, are an integral and already a very important part of the nation itself. In my belief, any remedy will be found to be no remedy which does not go to the root of the matter and make the citizen of this District in every respect the equal both in local and in national importance of the citizen of any other part of the country.

In other words, he must be allowed to participate nationally in the creation and transfer of the executive, judicial, and legislative power, and, by the exercise of the sovereignty itself in a national capacity, become an active participant in the national functions of the American people, as well as in the exercise of his own local control.

The joint resolution for the amendment of the Constitution, which I offered in the last and present Congresses, in two draughts, differing somewhat in form but not in substance, does not aim directly to secure the establishment of a local government for the people, but to give them complete and equal participation in the National Government, and so to enable them to participate in the enactment of the general laws affecting the interests of the nation at large, including their own as a portion of the nation, and also in those specific laws which Congress should enact having reference to themselves. Belug thus a part of the national power they could favor or oppose and so properly be bound by any decision of Congress touching the creation of a local or municipal government for the District.

I do not believe it right or safe or enduring that the people of this vast, influential, and rapidly increasing community of American people shall continue longer in a condition of territorial dependence towards the nation at large. It is time that they were clothed with powers analogous to those possessed by the people of a State, so far as the creation and administration of the Federal power is concerned. They can not be perpetually kept in a condition of political tutelage and vassalage. This must become a full-grown community at some time, or it will become a miserable and dangerous one for all time. And I submit that the time has already come for action. Congress is estopped to deny that the time for action has already come by its conduct toward the smaller and weaker communities which have been admitted so often as States into the Union.

What harm can possibly come from giving the District of Columbia representation in the Senate, with a vote there, and two electors to participate in the choice of President? If, as was formerly the case, the District may appropriately be heard in debate by a Delegate on the floor of the House of Representatives, what harm can result, when he represents a population and wealth surpassing that of many States, in giving him a vote there also? If he may be allowed to speak in order to influence the result by controlling the votes of others, why may he not influence that result by his own vote as the representative of those for whom he speaks? And if a Delegate from the District may he its representative in debate and in suffrage on the floor of the House, what danger can arise in this great community if it be heard and voted for by a Senator? And why not by a membership in the electoral college corresponding to its representation like a State, since, unlike a Territory, the District is to exist as long as the States? But if it were thought dangerous, or even inconvenient, that the District should thus participate in the choice of the President, how is it possible to deny to such a community representation in that body which makes the laws which control their life, liberty, and property?

Taxation without representation is tyranny; and representation is the power to vote, not merely the right to speak. It is the power to enter into and become a component part of the decision, which is the essence of representation. Representation is a matter of will and execution, rather than of the tongue and mere vocabulary. This right to be a component part of the supreme government under which they live is the all-important one to the inhabitants of this District as to other Americans, and of far more consequence than the right to establish and maintain their municipal law by an organization distinct from and carved out for them by the National Government itself. It is not of so much consequence who may be the direct and executive agents to administer the law in daily life, provided that the voice of the community is heard in that authority, and that the people are the authority which designates these agents.

If the existing law establishing this form of government by commissioners appointed by the President and confirmed by the Senate was a law in the enactment of which representatives of the District had participated, and in the working and in the modification of which in the interest of the public welfare they could be heard, and could act hereafter in the halls of national legislation, the evils of the present form of government would be largely removed. It would undoubtedly be a great convenience, a convenience founded perhaps in necessity, certainly in popular right, that there should be a local government formed within the District, with the functions of a Territorial government, or with functions more analogous to those of a State government even, if you please—always derived, however, from a general law of Congress, which must be supreme in the Federal District.

But I do not consider this by any means so essential as a matter of principle as I do that the District should be represented in the House and in the Senate by men who can both debate and vote; that is, that the District itself shall enter into the enactment of the general laws of the whole country and of the special laws under which the people of this community live. The government of the District of Columbia must be republican in form; it can not continue to be a despotism. The danger from such continuance is greater to the whole people, perhaps, through its action upon the representatives of the nation at large and the development of an incongruous, unrepresentative mass so near the national vitals, than to this local community. But it is an unnatural condition for both, and the public welfare, in my judgment, imperatively demands its termination.

The proposed amendment to the Constitution is offered in the hope that it may be the basis of an agitation which shall interest not the people of the District alone, but of the entire nation, and lead to an affirmative modification of the fundamental national law which shall duly remedy the evil. No half-way measure will do the work. Completeness, simplicity, and comprehensiveness are indispensable to a true remedy; and it is a dangerous folly longer to develop in this District a hermaphroditic American citizenship.

The late period at which we have now arrived in the session and the overwhelming pressure of general affairs make it improper that I should further trespass upon the attention of the Senate at the present time. I desire rather to call public attention to the subject and initiate discussion than to enter upon it with completeness, far less with anything approaching exhaustion of the subject.

It will be found upon full examination that apprehension of evil results from the imperfect citizenship of the District have arisen in the minds of some of our most eminent statesmen in all the parties throughout the history of the Republic; and had the existing conditions of absolute political despotism, all the more alarming because so many are in love with it, which prevail here been foreseen before the adoption of the Constitution, it is manifest, from the earnest discussions had upon the creation of the Federal District in the various conventions which adopted the Constitution, that the Government never would have been founded without an eradication of the possibility of the conditions which now exist.

As suggested in beginning, I am sorry, although not surprised, that the committee to whom this proposed resolution of amendment to the Constitution was submitted in the last Congress and in the present, and before whom large numbers of the people of the District desired to be heard, exhausted the subject so easily and reported back the resolution with such celerity, without hearing or notice to anybody after its introduction and reference to them by the Senate. It is safe to say that a community of voters would not have been thus summarily disposed of.

In future Congresses, I doubt not, the subject will be heard in committee and in both the Houses, and its agitation will not cease, but will increase both in Congress and in the country, as well as in the District itself, until the hundreds of thousands who may yet become millions in this already magnificent and yet to be stupendous and glorious city shall be endowed with all the rights and liberties of Americans.

It doth not yet appear what Washington shall be. Rome, less beautiful for situation, the center of an inferior civilization, the capital in her grandest days of hut 120,000,000 of men, grew for a thousand years and contained within her walls 5,000,000 of inhabitants or more. At the rate of increase in both the nation and in this city for the last fifty years Washington will contain more than 2,000,000 within the next century.

The Roman Republic existed five hundred years of fierce and bloody internal struggle, because, untrue to the republican form of government, she was a conglomeration of castes, of warring classes, of superimposed layers or strata of men, who intermingled only by volcanic action, and finally after mighty upheavals, which filled the universe with fire and destruction, sank and remained in one dead plain of slavery whereon the Caesars built their throne and the pretorian auctioneers sold it to the highest bidder, who settled for it in money and blood. Thus republican Rome, false to the true principles of freedom, wrought the dark ages, and, save only as her history is an admonition, was the tyrant and curse of mankind.

What shall be the future of this puissant nation and of this her fair Capital wherein we have already planted the seeds of an unhappy fate?

However grateful the shade in which these magnificent distances are embowered, yet we must remember that the upas tree is a thing of beauty, and it is time to know whether it be the tree of liberty or of political slavery which was planted here when popular government was subverted in 1871 and the foul work consummated by legislative rape of the rights of man in this alleged temple of liberty in 1878.

I believe that this subject, like a disease of the vital organs, demands solemn attention all the more because our eyes are fixed upon external things and our heads are giddy with the glories of material growth.

Strongly impressed that I am discharging a long neglected but imperative duty, I earnestly commend this joint resolution to the patriotic and immediate consideration of Congress and of the country.

I have here collected a mass of letters and statistics and data and memorials from leading citizens of the District, and of important historical and other data bearing upon the general subject, and also upon the existing condition and importance of this great and growing community, which I think should be in the possession of Congress and of the country, most of which was designed for presentation before the committee. I shall ask to allow it to be made available in the form of a miscellaneous document for the use of the Senate and of the country.

This has been largely gathered, arranged, and compiled by Appleton P. Clark, esq., of this city, and I take this opportunity to thank him for the great assistance he has rendered to me personally and for his patriotic devotion to the cause of manhood suffrage for the District of Columbia.

The matter of which I have spoken might be properly attached to the speech which I have delivered, but mindful of the RECORD I will simply ask that that it be printed as a miscellaneous document and not encumber the RECORD. It is all very valuable, and will be required in the future examination of this subject.

The VICE PRESIDENT. It will be so ordered, if there be no objection, and the joint resolutions called up by the Senator from New Hampshire will resume their place on the Calendar.

[From the Congressional Record, Dec. 19, 1889, p. 297]

Mr. HOAR, from the Committee on Privileges and Elections, to whom was referred the joint resolution (S.R. 11) proposing an amendment to the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the Electoral College, reported adversely thereon.

Mr. BLAIR. I ask that the joint resolution be placed on the Calendar.

The VICE PRESIDENT. The joint resolution will be placed on the Calendar with the adverse report of the committee.

Mr. HOAR, from the Committee on Privileges and Elections, to whom was referred the joint resolution (S.R. 18) proposing an amendment of the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the Electoral College, reported adversely thereon.

Mr. BLAIR. I will say to the committee from which these joint resolutions come, that a large number of citizens of this District are preparing to be heard and

desire to be heard, and were not anticipating, as it was a matter which was pending some time in the last Congress, that it would be disposed of with the rapidity which seems to have been exercised. I ask that the joint resolution be placed on the Calendar.

The VICE PRESIDENT. The joint resolution will be placed on the Calendar with the adverse report of the committee.

[From the Congressional Record, Sept. 15, 1890, p. 10026]

DISTRICT OF COLUMBIA REPRESENTATION.

Mr. BLAIR. I ask unanimous consent to give a notice that on Wednesday morning, at the conclusion of the morning business, I shall ask the courtesy of the Senate to proceed to the consideration of the joint resolution (S.R. 11) proposing an amendment to the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the Electoral College, and the joint resolution (S.R. 18) proposing an amendment of the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the Electoral College, being Orders of Business 67 and 68 on the Calendar, for the purpose of making brief remarks upon the same.

Mr. COCKRELL. On Wednesday?

Mr. BLAIR. On Wednesday morning, at the conclusion of the morning business, I shall not trouble the Senate long.

[From the Congressional Record, Jan. 23, 1890, p. 802]

CONSTITUTIONAL AMENDMENTS.

The joint resolution (S.R. 11) proposing an amendment to the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the Electoral College, and which was reported adversely, was announced as next in order.

The VICE PRESIDENT. The joint resolution will be laid over.

The joint resolution (S.R. 18) proposing an amendment of the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the Electoral College, and which was reported adversely, was announced as next in order.

The VICE PRESIDENT. That will also be laid over.

[S. Rept. 507, 67th Cong., 2d sess.]

GRANTING SUFFRAGE TO RESIDENTS OF THE DISTRICT OF COLUMBIA

FEBRUARY 20 (calendar day, FEBRUARY 21), 1922.—Ordered to be printed

Mr. JONES of Washington, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany S.J. Res. 133]

Your committee having carefully considered Senate joint resolution 133 and having held full hearings at which both the advocates and the opponents of this resolution were heard, report the resolution favorably and recommend that it be passed, and that the proposed constitutional amendment be submitted to the States for ratification.

Senate joint resolution 133 proposes amendment of the Constitution of the United States by inserting at end of section 3, Article IV, the following words:

"The Congress shall have power to admit to the status of citizens of a State the residents of the District constituting the seat of the Government of the United States, created by Article I, section 8, for the purpose of representation in the Congress and among the electors of President and Vice President, and for the purpose of suing and being sued in the courts of the United States under the provisions of Article III, section 2.

"When the Congress shall exercise this power the residents of such District shall be entitled to elect one or two Senators, as determined by the Congress, Representatives in the House, according to their numbers as determined by the decennial enumeration, and presidential electors equal in number to their aggregate representation in the House and Senate.

"The Congress shall provide by law the qualification of voters and the time and manner of choosing the Senator or Senators, the Representative or Representatives, and the electors herein authorized.

"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing power."

This resolution thus proposes: (1) A new constitutional power for Congress; (2) a new right and power for residents of the District, to be enjoyed when Congress in its discretion shall exercise its new constitutional power.

NEW POWER FOR CONGRESS ; NEW RIGHT FOR DISTRICT.

1. The new constitutional power for Congress which is sought is the power to grant national voting representation to residents of the District in House, Senate, and Electoral College, with access to the Federal courts, without depriving Congress of the power of exclusive legislation over the seat of government given by section 8, Article I, of the Constitution; without making a State of the District; and without granting to residents of the District any other privileges, powers, and attributes of citizens of a State than those specifically enumerated.

2. The privilege, right, and power to be enjoyed by residents of the District, when the amendment shall have been ratified, and when the new power of Congress shall have been exercised, is voting participation by the District residents on American principles in the National Government which taxes them, makes all laws for them, and sends them and their sons to war; and access like that of citizens of a State to the Federal courts, their relation to which is now, the United States Supreme Court has said, on a lower plane than that of aliens.

Ratification of the proposed constitutional amendment will thus cure the impotency of Congress to grant national representation to any part of the territory belonging to the United States, by extending his power to the District constituting the seat of government of the United States, and will tend to cure the impotency of the District to participate on American principles in the National Government.

CURING TWOFOLD IMPOTENCY.

Your committee are convinced that both impotencies should be cured, that of Congress at once, and that of the District at the fitting time in the future in the judgment of Congress. We agree that Congress should not be impotent to grant national representation to any group of Americans qualified under the usual tests for such representation. And we agree that the District people should not be impotent to participate like other Americans in the national councils after demonstration of fitness in population, resources, and other American attributes, provided such representation can be secured without destroying or impairing the power of exclusive legislation in the District now possessed by Congress. We are convinced that adoption of S.J. Res. 133 and ratification of the constitutional amendment proposed by it will result in curing both impotencies, without disturbing in the least the exclusive legislative power of Congress in the District.

We see no reason whatever why Congress should not approve this grant to itself of a new constitutional power, extending its existing powers on logical and equitable lines, without committing Congress as to when or how it shall exercise this power.

ROUNDING OUT EQUITABLY POWERS OF CONGRESS

Under the power to admit new States and to regulate territory belonging to the United States Congress now has the power to admit to representation in Congress and the electoral college the people of all the territory belonging to the United States except the District constituting the seat of government of the United States.

The constitutional provision giving Congress the power of exclusive legislation in the seat of government deprives Congress of the power to admit the seat of government to representation in Congress and the electoral college through the statehood gate, since full statehood for the District would destroy the exclusive power of legislation in the District bestowed upon Congress by the Constitution. The courts have held that Congress may not even delegate this constitutional power; much less can Congress destroy it or surrender it completely.

The problem is to find a way to give the people of the District the representation to which they are entitled as national Americans in Congress and the electoral college, with access to the Federal courts, without depriving Congress of the exclusive legislative control of the District, which the Constitution imposes upon it and which, the courts say, it may not surrender without specific constitutional amendment.

HARMONIZING TWO VITAL AMERICAN PRINCIPLES.

The pending resolution (S. J. Res. 133) solves this problem by empowering Congress not to admit the District to statehood, which would destroy its power of exclusive legislation, but to grant to District residents representation like that of citizens of a State in Congress and the electoral college (with access to the Federal courts) and no other powers and attributes of statehood than those specifically enumerated. This solution of the problem harmonizes two great American principles: First, that in our representative Republic, subject to limitations and conditions uniformly applied, all national Americans ought to have the opportunity to participate in their National Government, and second, the principle laid down by the forefathers as a national necessity that the Nation through Congress should have exclusive control of the Nation's Capital.

No reason appears why Congress should not approve the proposition to grant itself this new, wholesome power, logically and equitably rounding out the existing corresponding constitutional power which it now possesses in respect to every foot of territory belonging to the United States except the District constituting the seat of government of the United States, the District of Columbia.

CONGRESS IS EMPOWERED, NOT DIRECTED.

Adoption of the constitutional amendment while it arms Congress with a new power does not commit Congress as to when it shall exercise this power, and the amendment may thus be favored both by those who urge immediate exercise of the power as soon as the constitutional amendment is ratified and also by those who wish to relieve Congress from the shame of this peculiar impotency but desire to postpone exercise of the power until the District is better fitted, in their opinion, to enjoy national representation.

Adoption of the amendment is thus urged (1) from the viewpoint of justice to the people of the District on the ground they are now fitted to enjoy and to meet the responsibilities of this right and power, and (2) solely from the national viewpoint as a cure of national impotency, irrespective of the time when for the District's benefit the new constitutional power shall be exercised.

The advocates of S.J. Res. 133 vigorously contend that the residents of the District are now entitled in population, in resources, in literacy, in public spirit, and in loyal Americanism to receive this right and power, and since they can not enjoy it except as the result of constitutional amendment making the exclusive legislation clause of the Constitution consistent with the enjoyment of this right and power, the Constitution should be at once amended as proposed in the joint resolution, in order that prompt justice may be done to the Americans of the District. The Constitution should be quickly amended as proposed, and the power granted to Congress should, they urge, be exercised at once.

RELIEVE THE SHAME OF NATIONAL IMPOTENCY

Your committee are convinced that, irrespective of the present fitness or unfitness of District residents to enjoy the American right to be granted by Congress when it exercises its new constitutional power, this joint resolution should be promptly passed by two-thirds of Congress and the proposed constitutional amendment ratified by three-fourths of the States, in order to relieve the Nation of the shame of impotency to cure, when it pleases, the evil of un-American totally nonrepresentative government, at the very heart of the Nation, the seat of the National Government. Conviction of present lack of fitness of District residents for national representation, or despair of such fitness in the near future, logically affects only the future date to be fixed, when Congress shall wisely and justly exercise this power. It has no logical tendency to delay the ratification of the amendment itself. Congress should not lack the power to Americanize the District, no matter how long it judgment may impel it to delay the actual exercise of this power when secured.

National honor is touched by impotency of the National Government to grant national representation to any well-populated, intelligent, resourceful, American community. Congress should by constitutional amendment have this power, for reasons affecting solely the national prestige and irrespective of any immediate obligation to the people of the District. While proof of present fitness of the District in population and resources for national representation is, it thus appears, not an indispensable prerequisite of adoption and ratification of the proposed amendment, the demonstration of that fitness naturally invigorates and strengthens amendment advocacy.

DISTRICT NOW FITTED FOR NATIONAL REPRESENTATION

At the hearing in support of the amendment a great wealth of facts and figures was presented on the point of the District's present fitness which impressed your committee and which in substance we submit for your consideration.

That the District of Columbia is entitled at the present time to participate in the councils of the Nation through its chosen representatives is suggested by the following facts:

POPULATION.

The census for the year 1910 gives the population of the District of Columbia as 331,069, which exceeded that of six States, namely:

Nevada.....	91, 375	Arizona.....	204, 354
Wyoming.....	145, 965	Idaho.....	325, 994
Delaware.....	202, 322	New Mexico.....	327, 301

The same census showed the population rapidly approaching three other States, namely, Vermont with 355,956, Montana 376,053, and New Hampshire 430,572.

The census for the year 1920 shows a healthy growth in population for the District, and at that time it had reached 437,571. This population was greater than that of any one of seven States, namely:

Nevada.....	77, 407	Vermont.....	352, 421
Wyoming.....	194, 402	New Mexico.....	360, 247
Delaware.....	223, 003	Idaho.....	431, 826
Arizona.....	333, 273		

It also shows that two other States of the Union had but a slightly larger population, namely: New Hampshire, 443,083; and Utah, 449,446.

A comparison, therefore, of the census of 1910 and 1920 shows that the ratio of increase of population has been maintained with the exception that the District has advanced ahead of Vermont and is rapidly approaching the population of Utah and New Hampshire.

FEDERAL TAXES.

The impression still exists among some that the citizens of the District are subject to the bounty of Congress and that they contribute little or nothing to the maintenance of the Federal Government. The same impression is sometimes evidenced in the discussions in the halls of Congress.

The official records of the Treasury Department show that there was paid by the citizens of the District to the Federal Government by way of internal revenue, customs and miscellaneous payments for the fiscal year ending June 30, 1916, the

sum of \$1,506,699.27, which was greater than similar taxes paid to the Government by any one of 20 States of the Union.

For the fiscal year ending June 30, 1917, the same records disclose the fact that the citizens of the District paid to the Federal Government through the same sources the sum of \$2,666,204.40, which was greater than similar payments made by any one of 19 States of the Union, including the great States of Georgia and Iowa. It also appears that for this year, the citizens of the District paid in Federal taxes twice as much as that paid by any one of 14 States and four times as much as any one of 8 States of the Union.

For the fiscal year ending June 30, 1918, the same records disclose the fact that the citizens of the District paid in Federal taxes to the Government through the same sources, the sum of \$12,862,474.08.

The records for the fiscal year ending June 30, 1919, disclose that the citizens of the District paid to the Government in satisfaction of like taxes the sum of \$18,045,053, which was made up of \$8,928,755.77 of income and excess-profit taxes and \$9,716,298.20 miscellaneous taxes, which amount was greater than the aggregate of similar taxes paid by the States of North Dakota, New Mexico, Nevada, Wyoming, and Vermont combined. The same records show that the payment made by the district through these internal revenue, customs, and miscellaneous taxes for this year were in excess of any one of 15 States.

The following tabulation shows the taxes paid by each of these States, with the number of electoral votes to which they are respectively entitled :

	Taxes paid	Electoral vote		Taxes paid	Electoral vote
District of Columbia.....	\$18,645,053	0	Mississippi.....	\$11,786,386	10
North Dakota.....	3,338,660	5	Arkansas.....	12,556,192	9
New Mexico.....	1,968,000	3	Florida.....	15,623,811	6
Nevada.....	1,297,334	3	South Dakota.....	6,669,794	5
Wyoming.....	4,225,282	3	Montana.....	6,770,257	4
Vermont.....	6,700,148	4	Utah.....	9,595,151	4
Idaho.....	4,963,264	4	New Hampshire.....	14,709,318	4
Alabama.....	18,435,952	12	Arizona.....	6,597,515	3

CONTRIBUTION OF TROOPS

It is remarkable that although the people of the District of Columbia have been denied those rights of participating in the affairs of the Government through the franchise which are conducive to patriotism, the fact remains that when the United States has found itself involved in war, the people of the District have taken second place to those of none of the States in offering their sons to fight for its cause.

Civil War.—It is significant that the District of Columbia in each of the controversies in which our people have been called to arms contributed a larger number of its sons than its quota. In the Civil War they sent 16,534 men to the front. According to Government statistics, the District's proportion of man power was thirty-five one-hundredths of 1 percent of the estimated loyal population of the country as determined by the census of 1860, whereas it actually sent into service sixty-two one-hundredths of 1 per cent, or a proportion of about four-fifths greater than its share.

Spanish War.—An examination of the census of 1900 discloses that the proportion of men which should properly come from the District was thirty-seven one-hundredths of 1 per cent, whereas it actually sent about one-fourth greater than the proportion properly chargeable, or forty-six one-hundredths of 1 per cent.

World War.—An enviable record was made by the District of Columbia in the War with Germany. The total voluntary enlistments in the Army, Navy, and Marine Corps for the District was 8,314, which was a larger number than in any one of seven States, namely, Nevada, Delaware, Arizona, Wyoming, Vermont, New Mexico, and New Hampshire, and only a trifle less than in three other States. Under the first and second registrations, 9,631 were inducted into the service of the Government, making a total of voluntary enlistments and conscriptions into the service of the United States of 17,954.

The voluntary enlistments were 46.33 per cent of the total inductions into the service. The percentage which these voluntary enlistments bear to the total number of enlistments and inductions by way of registration was greater for the District of Columbia than for any State of the Union except Rhode Island, Oregon, Washington, California, and Maine, and more than one-third greater than the percentage of the country as a whole.

LIBERTY LOANS

The showing made by the people of the District of Columbia in the financial support of the Government through the purchase of Liberty bonds is one of which they may well feel proud. The support thus afforded the Government in each of the loans has been largely in excess of that given by very many of the States of the Union, and in each of the five loans it far exceeded its quota.

Of the first Liberty loan, the quota for the District of Columbia was \$10,000,000, while the amount actually subscribed was \$19,261,400, or a per capita subscription of \$52.20, which was nearly four-fifths greater than for the country as a whole, which was only \$29.29. This per capita exceeded the subscriptions of each of the 12 Federal reserve districts except the second, which includes the State of New York.

Of the second Liberty loan, the quota assigned for the District of Columbia was \$20,000,000, whereas the subscriptions amounted to \$22,857,050, or a per capita subscription of \$57.73, whereas for the United States at large it was only \$44.55. Again the per capita subscriptions for the District were in excess of 10 of the Federal reserve districts and only less than that in the first and second districts, covering Boston and New York.

On the third Liberty loan, the quota for the District of Columbia was \$12,870,000, while the subscriptions of its people amounted to \$25,992,250, or a per capita subscription of \$64.98 as against \$40.13 for the United States at large. Again the per capita subscription was considerably in excess of that in each of the 12 Federal reserve districts except the second which includes the State of New York.

The subscriptions through the citizens of the District of Columbia in the third Liberty loan were greater than in any one of 18 States, namely: Alabama, Arizona, Arkansas, Delaware, Florida, Idaho, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, South Carolina, Utah, Vermont, and Wyoming.

The number of subscribers to this loan was also greater in the District than in any one of the 18 States just named except Arkansas, but including in its place Tennessee. The proportion of the population who subscribed to this loan was greater in the District of Columbia than in any one of the 48 States and was about twice as great as the percentage of the country as a whole, which ranged from 29.07 for Iowa to 3.3 for North Carolina.

The quota of the fourth Liberty loan assigned to the District of Columbia was \$27,608,000, whereas the subscriptions amounted to \$51,262,100, or a per capita subscription of \$127.61, which was nearly twice the per capita subscription for the United States as a whole, which was only \$65.94. This per capita subscription for the District of Columbia was again largely in excess of that of every Federal reserve district except the second, which includes the State of New York.

The aggregate subscriptions from the citizens of the District of Columbia of the fourth Liberty loan were greater in amount than those of any one of 23 States, namely: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Idaho, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Utah, Vermont, Wyoming.

The number of subscribers to this loan in the District was greater than that in any one of 25 States, while the proportion of the population of the District subscribing to this loan, according to the Treasury Department, was 65.8 percent, which was much larger than in any one of the 48 States of the Union and about three times as great as the corresponding percentage for the entire United States, which was only 21.98 percent.

Of the fifth or Victory loan, the quota assigned to the District of Columbia was \$20,307,000, while the actual subscriptions were \$28,307,000, secured from 132,159 subscribers.

POSTAL REVENUES

While the revenue derived by the Government from the Postal Service in the District of Columbia is perhaps not a criterion as to the amount of business transacted, still it affords some indication certainly for comparison. Ignoring entirely the fact that at least three-fourths of the postal matter handled by the local post office officials is governmental matter from which no revenue is derived, the records disclose the fact that the receipts of the local post office ending June 30, 1918, were \$3,085,198.12, which was greater than the receipts of all of the post offices in any one of the following States: Arizona, Arkansas, Delaware, Florida, Idaho, Maine, Mississippi, Montana, New Hampshire, New Mexico, Nevada, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, West Virginia, Wyoming.

It also appears that these receipts exceeded the aggregate receipts of all of the post offices in Delaware, Nevada, New Mexico, and Wyoming combined, which amounted to the sum of \$2,987,047.05.

INTELLIGENCE

The census for the year 1910 shows that the average percentage of illiteracy for all classes of its population combined was 7.7 for the United States, while for the District of Columbia it was 4.9. The District's percentage of illiterates as shown by this census was less than any one of the following 25 States: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, Georgia, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Arizona, and Nevada.

Of the native whites of native parentage, the percentage was six-tenths of 1 per cent, for the District, while the average percentage for the United States was 3.7. A comparison of the District in this respect with the individual States shows that its percentage of illiteracy of this class of people was less than half of any one of the following 33 States: Maine, New Hampshire, Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Iowa, Missouri, Kansas, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Colorado, New Mexico, Arizona.

The same census shows that in the District of Columbia the illiteracy among the colored population was 13.5, or less than one-half the corresponding figures for the United States, which was 30.4, and less than the same percentage for any one of the following 19 States: Indiana, Missouri, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Mexico.

A comparison of the 1910 census with that of 1870, as well as the successive decennial censuses, shows a remarkable increase in school attendance and decrease in illiteracy among the colored population. The percentage of illiteracy among colored persons of 10 years of age and over decreased from 70.5 per cent in 1870 to 13.5 per cent in 1910, the latter percentage being one-fifth as great as the former.

A DEMONSTRATION OF FITNESS

The foregoing statistics constitute an unanswerable argument in support of the legislation which we now recommend. They show that 437,000 people, to whom the elective franchise is entirely denied, have been and are now supporting the United States with a remarkable spirit of loyalty and devotion. In peace and in war they have always acquitted themselves commendably. The percentage of illiteracy among them is but six-tenths of 1 per cent, and intellectually the District of Columbia, holds a place above 33 States of the Union. The people of the District are, therefore, both morally and mentally fit to exercise the right which they so earnestly seek as American citizens. Your committee believe that their appeal should no longer remain unheeded, and that now is the time to provide a means to enable them to participate in the councils of the Nation through their chosen representatives.

THE RIGHT OF CITIZENS OF THE DISTRICT OF COLUMBIA TO SUE IN THE UNITED STATES COURTS

By Article III, section 2 of the Constitution, it is provided that the judicial power of the United States "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States and treaties made, or which shall be made, under their authority * * * to controversies between two or more States; between a State and the citizen of another State; between citizens of different States; * * * between a State, or the citizens thereof, and foreign States, citizens, or subjects."

The judiciary act of 1790 creating the United States courts and providing for their jurisdiction recognized and conferred jurisdiction upon the Federal courts in cases where diversity of citizenship existed. This is a most important branch of Federal jurisdiction and has consistently been maintained.

Although there can be no doubt that the framers of the Constitution never intended to discriminate in this respect between the citizens of the District and those of the States, the fact remains that the District of Columbia is not a State within the meaning of the constitutional provision authorizing citizens of one State to sue and be sued by citizens of another State in the courts of the United States (*Hepburn v. Elzey*, 2 Cranch, 445, 452; *Geofrey v. Riggs*, 133 U.S. 258, 269), although it has been held by the Supreme Court to be a State for the purpose of direct taxation (*Loughborough v. Blake*, 5 Wheaton 317).

Attention was called to this anomaly by Chief Justice Marshall in his opinion delivered in the case of *Hepburn v. Elzey* just referred to, in which he stated:

"It is extraordinary that the courts of the United States, which are open to aliens and to the citizens of other States in the Union, should be closed upon them (District residents). But this is a subject for legislative, not for judicial consideration."

No sound argument can be presented for the existing discrimination between citizens of the District and those of the States when it comes to the question of affording relief so far as suits in United States courts are concerned. This right is even granted an alien, but denied under the Constitution to a citizen of the District. The right is a valuable one and has been consistently so recognized since the adoption of the judiciary act in 1790. It is time that this discrimination should cease, and the people of the District given the same rights in all respects as citizens of the States, through adoption of a constitutional amendment, such as provided in the present resolution.

NO CHANGE IN FORM OF LOCAL GOVERNMENT.

By section 8, Article I, of the Constitution, Congress is authorized to exercise exclusive legislation in all cases over the District of Columbia. The amendment to the Constitution proposed by the joint resolution under consideration in no way affects this absolute control and jurisdiction, but Congress will have the sole power to legislate as heretofore. Your committee feels strongly that there should be no change in respect to this relation between the Federal Government and the local municipality. The present commission form of government has worked well and satisfactorily, and so long as the power rests in the President to appoint the municipal executives of the District, the direct control and supervision of local affairs is maintained.

AMERICAN PRINCIPLES AND INTENT OF FOREFATHERS.

Study of the making, construing, and expanding of the Constitution discloses that there was no intent on the part of the makers of the Constitution and of those who construed and applied it to violate the American principle that couples representation with taxation by excluding residents of the District forever from voting participation in the national councils.

Representation by the people in the legislature by delegates of their own election is the corner stone of American political institutions. Having deep roots in the constitutional history of England, this fundamental principle of free government received its full and perfect recognition in the struggle which resulted in the independence of the Colonies and the establishment of the United States. The Bill of Rights presented by the colonists to the British Parliament declared—"That the foundation of English liberty and of all Civil government is a right in the people to participate in their legislative's councils."

Accepted by our ancestors as a self-evident truth, and so proclaimed in the Declaration of Independence, the principle that governments derive their just powers from the consent of the governed has since spread around the world.

DE-AMERICANIZATION OF DISTRICT.

Yet in the District of Columbia, the seat of the Government of the United States, 437,571 Americans, performing justly and honorably all the duties of peace and war, remain without any representation whatever in the Government which rules and taxes them, makes the laws they must obey, and sends their sons to battle.

What is there in our scheme of government that requires that the Capital of the United States should be the one capital among the civilized nations, the inhabitants of which are excluded, deliberately and of set purpose, from all participation in their government? A vague notion prevails that this exclusion from participation in the government is the necessary consequence of the exclusive control of the Federal district vested in Congress. Such is by no means the case. The Constitution (Art. I, clause 8) confers upon Congress the "power of exclusive legislation in all cases whatsoever over the district, not exceeding ten miles square, which shall by cession of particular States and the acceptance of Congress become the seat of Government of the United States." Manifestly the purpose of this provision is to insure absolute unity of legislative power at the seat of government.

NATIONAL REPRESENTATION AND EXCLUSIVE NATIONAL CONTROL.

What was excluded was that dual sovereignty which by reason of the Federal character of our Government necessarily prevailed everywhere else. As stated by Madison in the *Federalist*, complete authority at the seat of the Government was designed to eliminate the "dependence of the Members of the General Government on the State comprehending the seat of Government for protection in the exercise of their duty." (*Federalist*, XLII.)

At that time friends of the new Constitution feared and believed that the balance between the Federal and State governments was "much more likely to be disturbed by the preponderancy of the last than of the first scale." (*Federalist*, XLIV.) Hence they provided that the supremacy of Congress in the Federal district should be absolute and exclusive of all State action whatsoever.

There, sovereignty was to be single and plenary—not divided as elsewhere between two powers, one Federal and the other State. In other words: The object of this clause was to give Congress "the combined powers of a general and of a State government in all cases where legislation is possible." (*Stoutenburgh v. Hennick*, 129 U.S. 141, 147; *Capital Tr. Co. v. Hof*, 174 U.S., 1, 5; *Kendall v. United States*, 12 Pet., 524, 619.)

The amendment proposed by this resolution does not alter or diminish this absolute sovereignty in the slightest degree, for the supremacy of Congress at the seat of government will be none the less absolute, exclusive, and complete when the two Houses include among their Members representatives chosen by the inhabitants of the District. There will be then, as now, a single legislative will, obedient to a single system of law, and the total exclusion of any possible claim to authority on the part of any other sovereign.

WHAT DID FOREFATHERS INTEND?

But it is said that if the supremacy of the Federal Government in the District of Columbia does not of necessity exclude the idea of representation in the legislative body by which it is governed, nevertheless the founders of the Capital City contemplated it as a place confined to governmental uses in a manner incompatible with the exercise of political rights on the part of its inhabitants. Some go so far as to suggest that Washington was never intended to be a commercial or even populous city; that it is in the nature of a Government reservation and taken out of the application of the principle of self-government. Nothing is further from the truth. It is refuted by the acts and words of the founders, the reiterated language of the courts when called upon to consider the juridical status of the District, and the action of Congress from the time it began to deal with the government of the Federal District.

(a) *Conduct of the founders.*—The original cession by Maryland was a cession in general terms of an area 10 miles square but never located nor defined. (2 Kilty Laws, Md. 1788, C. 46.) And the acceptance by Congress was of "a district or territory not exceeding 10 miles square, to be located as hereafter directed at some place on the Potomac between the mouths of the Eastern Branch and the Conococheague." (Act of Jan. 4, 1790, 1 Stat., 130.)

What was it that had suggested in the first place the establishment of the National Capital on the Potomac, and had finally determined its precise location and extent? On this point the contemporary evidence is clear. Washington, by his personal explorations of the region, had demonstrated that the Potomac, when improved, was the shortest and best route from the coast to the Ohio Valley, and therefore the main channel, as he said, for "extensive and valuable trade of a rising empire."

The city of Washington was regarded as the natural meeting point between sea navigation and inland navigation and transport.

At a meeting of the President and the commissioners of the Federal city, held on October 16, 1791, Andrew Ellicott, geographer general, proposed that in disposing of lots in the Federal city those lots should be reserved which would be considerably increased in value when the public improvements were made, and that the first sales should be confined to those which had an immediate value from other considerations. As a reason for this he pointed out:

"It is not probable that the public improvements will considerably affect either the value of the lots from Georgetown to Funkstown, or generally on the Eastern Branch. The proximity of the first to a trading town and good navigation, and the second, lying on one of the best harbors in the country, must have an immediate value. (Commissioner's Proceedings, vol. 1.)"

It was only the enemies of the project who attempted to throw impediments in its way by predicting that the new capital would never develop into a real city. Washington on the other hand, intended and confidently predicted that it would become "the greatest commercial emporium of the country."

It was with that view that L'Enfant's plans, made under the President's auspices, provided for a city on a larger scale than any then existing in the country. And since the cost of erecting the public buildings was to be defrayed out of the proceeds of the sale of the public lots, the plan of this city of magnificent distances was circulated by the Federal commissioners not only throughout the United States but in the principal ports of Europe.

(b) *View of the judiciary.*—How the community thus built up on the banks of the Potomac was regarded from the juridical point of view is sufficiently indicated by what Chief Justice Marshall said in *Heppburn v. Ellzey* (2 Cr. 445, 452). Holding, with apparent reluctance, that the word "State," in the special sense in which the Constitution employed it with reference to controversies between citizens of different States did not include the District of Columbia, the great Chief Justice freely conceded that "Columbia is a distinct political society and is therefore a State according to the definitions of writers on general law." Similar recognition of the District as a "separate political community" possessing an organic social and political life of its own, is to be found in other cases in which the Supreme Court has placed the District for certain purposes in the same category as the States of the Union. (*Geofroy v. Riggs*, 133 U.S. 258, 269; *Metropolitan R.R. Co. v. District of Columbia*, 132 U.S., 1, 9.)

(c) *Legislative action.*—That the people of this "distinct political society" were not regarded as a mere collection of voteless individuals forever condemned to political incapacity and impotence, is shown by the consistent action of Congress from the time when it first began to legislate for the District. While the population of the infant city as shown by the census of 1800 was but insignificant in numbers, Congress incorporated the inhabitants of the new city into a regular municipality with all the usual self-governing powers. (Act of May 3, 1802, 2 Stat., 195.) The established corporations of Georgetown and Alexandria were continued with the same suffrage which they had respectively enjoyed under the laws of Maryland and Virginia, and the three municipalities continued in the exercise of these rights and powers until Alexandria was retroceded to Virginia in 1846. (Act of July 9, 1846, 9 Stat. 35, 1000.) And the municipalities of Washington and Georgetown were replaced by a Territorial government in 1871. During the life of these municipalities Congress more than once increased their powers and enlarged the basis of their suffrage. (Act of Jan. 8, 1867, 14 Stat., 375.)

By the act of February 21, 1871 (16 Stat. 419), a legislative assembly with its lower house (house of delegates) elected by the suffrage of the people was established for the District of Columbia, and this form of government continued in operation until June 20, 1874, when it was replaced temporarily by a commission form of government, act of June 20, 1874 (18 Stat. 116), which was established in a permanent form by the organic act of June 11, 1878 (20 Stat. 102). Surely the action of Congress for a period of nearly 70 years is a sufficient refutation of the notion that the people of the District were regarded as essentially devoid of political capacity.

SIZE UNCERTAIN, POPULATION NEGLIGIBLE.

In considering the course of this legislation, however, it is important to remember that when the Constitution was drafted it was by no means certain that any State would be found willing to make the needed cession of territory for the seat of government. While in no event could the Federal District be larger than 10 miles square, no one could foretell how restricted the area might actually be. When the present location was finally decided upon, the population of the entire area, including the existing towns of Alexandria and Georgetown, was widely scattered and scanty. And when a municipal government for the City of Washington, with suffrage for all white male inhabitants was set up by the act of May 3, 1802 (2 Stat., 195), the population of the infant city, as shown by the census of 1800, was but 14,093.

It is not strange, under these circumstances, that no provision was made either by the framers of the Constitution or by the legislators of those early days for the place in our governmental system which should be held by the inhabitants of the Federal district when their population, wealth, and other circumstances should have raised them to the dignity of a separate political community.

In the Ordinance of 1787 for the government of the Northwest Territory, Congress had provided for the erection of new States when the population of a defined area should have reached 50,000. This provision, although it antedates the Constitution, may give us some clue as to the ideas of the time. It serves at least to explain the failure to provide for the ultimate constitutional status of the population of the Federal district at a time when the very existence of such a district was still conjectural. But it is worthy of note that Madison in discussing the provision for legislative power over such a district had taken it for granted that "a municipal legislature for local purposes, derived from their own suffrage, would, of course, be allowed." (Federalist XLII.) And in 1818 President Monroe, in a message to Congress, drawing attention to the fact that while Congress legislated directly on local concerns of the District the people had no participation in the exercise of that power, proceeded to add—

"As this is a departure for a special purpose from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our Government and to the particular interests of the people may not be devised which will neither infringe the Constitution nor affect the object which the provision in question was intended to secure."

NATIONAL REPRESENTATION AND THE PRESIDENTS.

As the District continued to grow, other Presidents, notably Jackson, Harrison, and Johnson, drew attention to the disadvantages under which the people of the District suffered by reason of their inability through political action to make known their peculiar wants and to secure legislation adapted to them. None of these Presidents, however, regarded the exercise of political rights by the people of the District as in any wise incompatible with the grant to Congress of exclusive jurisdiction in the District of Columbia. In his message to Congress in 1831, President Jackson put the matter in these terse words:

"It was doubtless wise in the framers of our Constitution to place the people of this district under the jurisdiction of the General Government. But to accomplish the object they had in view it is not necessary that this people should be deprived of all the privileges of self-government."

And he put to Congress this significant question:

"Is it not just to allow them at least a Delegate to Congress, if not a local legislature to make laws for the District subject to the approval or rejection of Congress?"

No doubt it was this view of the matter which led at length to the establishment of a Territorial form of government with a house of delegates chosen by universal manhood suffrage and represented, as in the case of other Territories, by a delegate in the House of Representatives.

There are, however, manifest difficulties in constituting a body with legislative powers for local purposes and at the same time preserving unimpaired the general power of legislation in Congress itself. Whatever pains may be taken to define and limit the scope of the inferior legislature, the fact remains that there are two sources of law for the community. At any moment the question may arise whether a particular subject matter falls within the scope of the delegated or of the reserved authority.

CONGRESS CAN DELEGATE ITS POWER OF EXCLUSIVE LEGISLATION.

In point of fact, the acts of the District legislative assembly were ultimately denied authority by the Supreme Court of the District upon the very ground that Congress was incapable of delegating to another body the legislative power conferred by the Constitution. (*Van Ryswick v. Roach*, MacA. & M. (11 D.C.), 171; *Stoutenburgh v. Hennick*, 129 U.S., 141, 147, 148). Hence it follows that the departure from the fundamental principle involved in denying the people of the District all participation in the making of their laws (which President Monroe regarded as meriting consideration as far back as 1818) can be best remedied not by setting up an inferior legislature for limited purposes but by admitting the people of the District of Columbia to a voice in national legislation which possesses and must continue to possess the exclusive power of government over them. In this way the supremacy of Congress is reconciled with the fundamental principles of representative government; the object which the jurisdictional provision was intended to secure is completely attained without condemning the population of the National Capital to a status of political degradation inconsistent with that great truth on which our very Government is founded.

DISTRICT OF COLUMBIA REPRESENTATION DEPRIVES NO STATE OF EQUAL SUFFRAGE IN SENATE.

It remains to consider an objection sometimes urged upon the last clause of Article X of the Constitution, providing that "no State without its consent shall be deprived of its equal suffrage in the Senate." But how will the admission of a Senator, or even two Senators, elected by the people of the District of Columbia, deprive any State of its equal suffrage in the Senate? The plain meaning of this provision is that no State shall have any greater numerical representation in the Senate than any other State. It cannot mean that the allotment share of the legislative power possessed by a State at any given time cannot be reduced, as the proportion of that power, which was originally 2 as to 26, has been steadily diminished by the admission of new States until it is now 2 as to 96.

Nor is it of any importance that the people by whom this Senator or these Senators would be elected would not have any separate legislature. Even when Senators were elected by State legislatures, the legislatures did not act as the legislature in the sense of the lawmaking body of the State, but as a specially designated body of electors by virtue of an express power conferred by the Federal Constitution itself. Senators are no longer elected by the State legislatures, but by the people. Under the proposed amendment the people of the District of Columbia in choosing their Senators would, to that extent, but to that extent only, stand on the same footing with the people of the States. But as the people of a State, in the election of Senators as in the election of Representatives in the lower House, exercise this right without regard to the form and organization of their respective local legislature, so would the people of the District of Columbia elect their Senators and Representatives without regard to the existence or nonexistence of a local legislature.

It is of course no answer to say that the Senate is composed only of Members selected by the several States. That is merely to declare an obvious fact in the Constitution now stands. "The Senate shall be composed of two Senators from each State." Before the 17th amendment the Constitution went on to say "chosen by the legislatures thereof." But as we have seen, that is no longer true. What remains is no less subject to amendment. There is no principle of our Constitution, much less any specific provision in its articles, which forbids its

amendment so as to admit into the Senate as well as into the House Members who shall represent an integral part of the country such as the District of Columbia without requiring that such area shall be for all purposes whatsoever precisely like the existing States. The only limitation is that in thus amending the Constitution no State should be deprived of its equal suffrage in the Senate, and, as we have already shown, the equality of the States in the Senate will not be in any wise affected by the proposed amendment.

SUMMARY

Summarizing, we find and report:

The proposed constitutional amendment does not reduce the power of Congress in respect to the Capital, but adds a new power; it does not propose the admission of the District into the Union as a sovereign State; it does not propose the destruction of the "10 miles square" provision of the Constitution; it does not lessen in the smallest degree the control by the Nation through Congress of what remains of the "10 miles square"; it does not disturb in any way the financial relation of Nation and Capital; it is not based upon either the abolition or retention of the half-and-half law; it does not propose or involve changes in the municipal government of the District.

It plans to bestow upon the 437,000 Americans of the District a distinctive, basic right of the American citizen—in a government of the people, by the people, for the people—in a government which roots its justice in consent of the governed—in a representative government which inseparably couples taxation and arms bearing as a soldier with representation.

This distinctive American privilege decorates the American with a badge of honor and arms him with power. Its lack slurs the Washingtonian as unfit and defective, and slurs the Nation as in this respect un-American and impotent.

What the amendment proposes is equitable in itself and compulsory in accordance with American principles and traditions.

It gives to residents of the District rights and privileges which, under our scheme of government, belong to all who pay national taxes and fight as national soldiers.

It gives to residents of the District a self-protecting power in the national councils which is denied to the resident of no other community in all of the mainland and contiguous United States from Maine to Texas and from New York to California.

In the matter of access to the Federal courts it raises District residents from a lower plane that that of aliens to the status of citizens of a State.

National representation of the District will remove from the Nation the shame of impotency.

It will proclaim to the world that the great Republic is as devoted to the principles of representative government and as capable of enforcing them as other republics with capitals in nation-controlled districts, like Mexico, Brazil, and Argentina. These nations have not found themselves impotent to give full national representation to the people of their capitals.

It will proclaim to the world that the people of Washington are as fit to participate in national representative government as the people of Rio de Janeiro, Buenos Aires, and Mexico City. Washington will cease to be the only capital in all the world whose people, slurred as tainted or defective, are unworthy to enjoy the same national representation as that enjoyed by all other cities of the Nation.

Washington will cease to be the only American community—numerous, intelligent, prosperous, public spirited, and patriotic—in all the expanse of continental and contiguous United States whose fitness to exercise national privileges as well as to bear national burdens is denied.

National representation will clothe the Washingtonian with a vital American privilege to which he is undeniably in equity entitled; will cleanse him of the stigma and stain of un-Americanism; and, curing his political impotency, will arm him with a certain power.

It will relieve the Nation of the shame of un-Americanism at its heart and of impotency to cure this evil.

It will inflict no injury or hardship upon either Nation or Capital to counteract these benefits.

[S. Rept. 1515, 69th Cong., 2d sess.]

AMENDMENT TO CONSTITUTION TO PROVIDE FOR NATIONAL REPRESENTATION OF PEOPLE OF THE DISTRICT OF COLUMBIA

FEBRUARY 17 (calendar day, FEBRUARY 19), 1927.—Ordered to be printed

Mr. JONES of Washington, from the U.S. Congress, Senate Committee on the District of Columbia, submitted the following

REPORT

[To accompany S.J. Res. 7]

The Committee on the District of Columbia, to whom was referred the resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia, having considered the same, report favorably thereon with the recommendation that the resolution do pass.

The committee adopts as its detailed report upon said resolution the report of the Committee on the District of Columbia of the Sixty-seventh Congress, second session, relating to an identical resolution (S.J. Res. 133), which report was as follows:

[Senate Report, No. 507, Sixty-seventh Congress, second session]

Your committee having carefully considered Senate Joint Resolution 133 and having held full hearings at which both the advocates and the opponents of this resolution were heard, report the resolution favorably and recommend that it be passed, and that the proposed constitutional amendment be submitted to the States for ratification.

Senate Joint Resolution 133 proposes amendment of the Constitution of the United States by inserting at end of section 3, Article IV, the following words:

"The Congress shall have power to admit to the status of citizens of a State the residents of the District constituting the seat of the Government of the United States, created by Article I, section 8, for the purpose of representation in the Congress and among the electors of President and Vice President, and for the purpose of suing and being sued in the courts of the United States under the provisions of Article III, section 2.

"When the Congress shall exercise this power the residents of such District shall be entitled to elect one or two Senators, as determined by the Congress, Representatives in the House, according to their numbers as determined by the decennial enumeration, and presidential electors equal in number to their aggregate representation in the House and Senate.

"The Congress shall provide by law the qualification of voters and the time and manner of choosing the Senator or Senators, the Representative or Representatives, and the electors herein authorized.

"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing power."

This resolution thus proposes: (1) A new constitutional power for Congress; (2) a new right and power for residents of the District, to be enjoyed when Congress in its discretion shall exercise its new constitutional power.

NEW POWER FOR CONGRESS; NEW RIGHT FOR DISTRICT.

1. The new constitutional power for Congress which is sought is the power to grant national voting representation to residents of the District in House, Senate, and Electoral College, with access to the Federal courts, without depriving Congress of the power of exclusive legislation over the seat of government given by section 8, Article I, of the Constitution; without making a State of the District; and without granting to residents of the District any other privileges, powers, and attributes of citizens of a State than those specifically enumerated.

2. The privilege, right, and power to be enjoyed by residents of the District, when the amendment shall have been ratified, and when the new power of Congress shall have been exercised, is voting participation by the District residents on American principles in the National Government which taxes them, makes all laws for them, and sends them and their sons to war; and access like that

of citizens of a State to the Federal courts, their relation to which is now, the United States Supreme Court has said, on a lower plane than that of aliens.

Ratification of the proposed constitutional amendment will thus cure the impotency of Congress to grant national representation to any part of the territory belonging to the United States, by extending this power to the District constituting the seat of government of the United States, and will tend to cure the impotency of the District to participate on American principles in the National Government.

CURING TWOFOLD IMPOTENCY.

Your committee are convinced that both impotencies should be cured, that of Congress at once, and that of the District at the fitting time in the future in the judgment of Congress. We agree that Congress should not be impotent to grant national representation to any group of Americans qualified under the usual tests for such representation. And we agree that the District people should not be impotent to participate like other Americans in the national councils after demonstration of fitness in population, resources, and other American attributes, provided such representation can be secured without destroying or impairing the power of exclusive legislation in the District now possessed by Congress. We are convinced that adoption of S.J. Res. 133 and ratification of the constitutional amendment proposed by it will result in curing both impotencies, without disturbing in the least the exclusive legislative power of Congress in the District.

We see no reason whatever why Congress should not approve this grant to itself of a new constitutional power, extending its existing powers on logical and equitable lines, without committing Congress as to when or how it shall exercise this power.

ROUNDING OUT EQUITABLY POWERS OF CONGRESS.

Under the power to admit new States and to regulate territory belonging to the United States Congress now has the power to admit to representation in Congress and the electoral college the people of all the territory belonging to the United States except the District constituting the seat of government of the United States.

The constitutional provision giving Congress the power of exclusive legislation in the seat of government deprives Congress of the power to admit the seat of government to representation in Congress and the electoral college through the statehood gate, since full statehood for the District would destroy the exclusive power of legislation in the District bestowed upon Congress by the Constitution. The courts have held that Congress may not even delegate this constitutional power; much less can Congress destroy it or surrender it completely.

The problem is to find a way to give the people of the District the representation to which they are entitled as national Americans in Congress and the electoral college, with access to the Federal courts, without depriving Congress of the exclusive legislative control of the District, which the Constitution imposes upon it and which, the courts say, it may not surrender without specific constitutional amendment.

HARMONIZING TWO VITAL AMERICAN PRINCIPLES.

The pending resolution (S.J. Res. 133) solves this problem by empowering Congress not to admit the District to statehood, which would destroy its power of exclusive legislation, but to grant to District residents representation like that of citizens of a State in Congress and the electoral college (with access to the Federal courts) and no other powers and attributes of statehood than those specifically enumerated. This solution of the problem harmonizes two great American principles: First, that in our representative Republic, subject to limitations and conditions uniformly applied, all national Americans ought to have the opportunity to participate in their National Government, and second, the principle laid down by the forefathers as a national necessity that the Nation through Congress should have exclusive control of the Nation's Capital.

No reason appears why Congress should not approve the proposition to grant itself this new, wholesome power, logically and equitably rounding out the existing corresponding constitutional power which it now possesses in respect to every foot of territory belonging to the United States except the District constituting the seat of government of the United States, the District of Columbia.

CONGRESS IS EMPOWERED, NOT DIRECTED.

Adoption of the constitutional amendment while it arms Congress with a new power does not commit Congress as to when it shall exercise this power, and the amendment may thus be favored both by those who urge immediate exercise of the power as soon as the constitutional amendment is ratified and also by those who wish to relieve Congress from the shame of this peculiar impotency but desire to postpone exercise of the power until the District is better fitted, in their opinion, to enjoy national representation.

Adoption of the amendment is thus urged (1) from the viewpoint of justice to the people of the District on the ground they are now fitted to enjoy and to meet the responsibilities of this right and power, and (2) solely from the national viewpoint as a cure of national impotency, irrespective of the time when for the District's benefit the new constitutional power shall be exercised.

The advocates of S.J. Res. 133 vigorously contend that the residents of the District are now entitled in population, in resources, in literacy, in public spirit, and in loyal Americanism to receive this right and power, and since they can not enjoy it except as the result of constitutional amendment making the exclusive legislation clause of the Constitution consistent with the enjoyment of this right and power, the Constitution should be at once amended as proposed in the joint resolution, in order that prompt justice may be done to the Americans of the District. The Constitution should be quickly amended as proposed, and the power granted to Congress should, they urge, be exercised at once.

RELIEVE THE SHAME OF NATIONAL IMPOTENCY

Your committee are convinced that, irrespective of the present fitness or unfitness of District residents to enjoy the American right to be granted by Congress when it exercises its new constitutional power, this joint resolution should be promptly passed by two-thirds of Congress and the proposed constitutional amendment ratified by three-fourth of the States, in order to relieve the Nation of the shame of impotency to cure, when it pleases the evil of un-American, totally nonrepresentative, government at the very heart of the Nation, the seat of the National Government. Conviction of present lack of fitness of District residents for national representation, or despair of such fitness in the near future, logically affects only the future date to be fixed, when Congress shall wisely and justly exercise this power. It has no logical tendency to delay the ratification of the amendment itself. Congress should not lack the power to Americanize the District, no matter how long its judgment may impel it to delay the actual exercise of this power when secured.

National honor is touched by impotency of the National Government to grant national representation to any well-populated, intelligent, resourceful, American community. Congress should by constitutional amendment have this power, for reasons affecting solely the national prestige and irrespective of any immediate obligation to the people of the District. While proof of present fitness of the District in population and resources for national representation is, it thus appears, not an indispensable prerequisite of adoption and ratification of the proposed amendment, the demonstration of that fitness naturally invigorates and strengthens amendment advocacy.

DISTRICT NOW FITTED FOR NATIONAL REPRESENTATION

At the hearing in support of the amendment a great wealth of facts and figures was presented on the point of the District's present fitness which impressed your committee and which in substance we submit for your consideration.

That the District of Columbia is entitled at the present time to participate in the councils of the Nation through its chosen representatives is suggested by the following facts:

POPULATION

The census for the year 1910 gives the population of the District of Columbia as 331,069, which exceeded that of six States, namely:

Nevada-----	91, 375	Arizona-----	204, 354
Wyoming-----	145, 965	Idaho-----	325, 994
Delaware-----	202, 322	New Mexico-----	327, 301

The same census showed the population rapidly approaching three other States, namely, Vermont with 355,956, Montana 376,053, and New Hampshire, 430,572.

The census for the year 1920 shows a healthy growth in population for the District, and at that time it had reached 437,571. This population was greater than that of any one of seven States, namely:

Nevada.....	77, 407	Vermont.....	352, 421
Wyoming.....	194, 402	New Mexico.....	360, 247
Delaware.....	223, 003	Idaho.....	431, 826
Arizona.....	333, 273		

It also shows that two other States of the Union had but a slightly larger population, namely: New Hampshire, 443,083; and Utah, 449,446.

A comparison, therefore, of the census of 1910 and 1920 shows that the ratio of increase of population has been maintained with the exception that the District has advanced ahead of Vermont and is rapidly approaching the population of Utah and New Hampshire.

FEDERAL TAXES

The impression still exists among some that the citizens of the District are subject to the bounty of Congress and that they contribute little or nothing to the maintenance of the Federal Government. The same impression is sometimes evidenced in the discussions in the halls of Congress.

The official records of the Treasury Department show that there was paid by the citizens of the District to the Federal Government by way of internal revenue, customs and miscellaneous payments for the fiscal year ending June 30, 1916, the sum of \$1,506,699.27, which was greater than similar taxes paid to the Government by any one of 20 States of the Union.

For the fiscal year ending June 30, 1917, the same records disclose the fact that the citizens of the District paid to the Federal Government through the same sources the sum of \$2,666,204.40, which was greater than similar payments made by any one of 19 States of the Union, including the great States of Georgia and Iowa. It also appears that for this year, the citizens of the District paid in Federal taxes twice as much as that paid by any one of 14 States and four times as much as any one of 8 States of the Union.

For the fiscal year ending June 30, 1918, the same records disclose the fact that the citizens of the District paid in Federal taxes to the Government through the same sources, the sum of \$12,862,474.08.

The records for the fiscal year ending June 30, 1919, disclose that the citizens of the District paid to the Government in satisfaction of like taxes the sum of \$18,645,053, which was made up of \$8,928,755.77 of income and excess-profit taxes and \$9,716,298.20 miscellaneous taxes, which amount was greater than the aggregate of similar taxes paid by the States of North Dakota, New Mexico, Nevada, Wyoming, and Vermont combined. The same records show that the payment made by the District through these internal revenue, customs, and miscellaneous taxes for this year were in excess of any one of 15 States.

The following tabulation shows the taxes paid by each of these States, with the number of electoral votes to which they are respectively entitled:

	Taxes paid	Electoral vote		Taxes paid	Electoral vote
District of Columbia.....	\$18, 645, 053	0	Mississippi.....	\$11, 786, 386	10
North Dakota.....	3, 338, 660	5	Arkansas.....	12, 556, 192	9
New Mexico.....	1, 908, 000	3	Florida.....	15, 623, 811	6
Nevada.....	1, 217, 334	3	South Dakota.....	6, 669, 794	5
Wyoming.....	4, 225, 282	2	Montana.....	6, 770, 257	4
Vermont.....	6, 700, 148	4	Utah.....	9, 595, 151	4
Idaho.....	4, 963, 264	4	New Hampshire.....	14, 709, 318	4
Alabama.....	18, 435, 952	12	Arizona.....	6, 597, 515	3

CONTRIBUTION OF TROOPS.

It is remarkable that although the people of the District of Columbia have been denied those rights of participating in the affairs of the Government through the franchise which are conducive to patriotism, the fact remains that when the United States has found itself involved in war, the people of the

District have taken second place to those of none of the States in offering their sons to fight for its cause.

Civil War.—It is significant that the District of Columbia in each of the controversies in which our people have been called to arms contributed a larger number of its sons than its quota. In the Civil War they sent 16,534 men to the front. According to Government statistics, the District's proportion of man power was thirty-five one-hundredths of 1 per cent of the estimated loyal population of the country as determined by the census of 1860, whereas it actually sent into service sixty-two one-hundredths of 1 per cent, or a proportion of about four-fifths greater than its share.

Spanish War.—An examination of the census of 1900 discloses that the proportion of men which should properly come from the District was thirty-seven one-hundredths of 1 per cent, whereas it actually sent about one-fourth greater than the proportion properly chargeable, or forty-six one-hundredths of 1 per cent.

World War.—An enviable record was made by the District of Columbia in the War with Germany. The total voluntary enlistments in the Army, Navy, and Marine Corps for the District was 8,314, which was a larger number than in any one of seven States, namely, Nevada, Delaware, Arizona, Wyoming, Vermont, New Mexico, and New Hampshire, and only a trifle less than in three other States. Under the first and second registrations, 9,631 were inducted into the service of the Government, making a total of voluntary enlistments and conscriptions into the service of the United States of 17,954.

The voluntary enlistments were 46.33 per cent of the total inductions into the service. The percentage which these voluntary enlistments bear to the total number of enlistments and inductions by way of registration was greater for the District of Columbia than for any State of the Union except Rhode Island, Oregon, Washington, California, and Maine, and more than one-third greater than the percentage of the country as a whole.

LIBERTY LOANS.

The showing made by the people of the District of Columbia in the financial support of the Government through the purchase of Liberty bonds is one of which they may well feel proud. The support thus afforded the Government in each of the loans has been largely in excess of that given by very many of the States of the Union, and in each of the five loans it far exceeded its quota.

Of the first Liberty loan, the quota for the District of Columbia was \$10,000,000, while the amount actually subscribed was \$19,261,400, or a per capita subscription of \$52.20, which was nearly four-fifths greater than for the country as a whole, which was only \$29.29. This per capita exceeded the subscriptions of each of the 12 Federal reserve districts except the second, which includes the State of New York.

Of the second Liberty loan, the quota assigned for the District of Columbia was \$20,000,000, whereas the subscriptions amounted to \$22,857,050, or a per capita subscription of \$57.73, whereas for the United States at large it was only \$44.55. Again the per capita subscriptions for the District were in excess of 10 of the Federal reserve districts and only less than that in the first and second districts, covering Boston and New York.

On the third Liberty loan, the quota for the District of Columbia was \$12,870,000, while the subscriptions of its people amounted to \$25,992,250, or a per capita subscription of \$64.98 as against \$40.13 for the United States at large. Again the per capita subscription was considerably in excess of that in each of the 12 Federal reserve districts except the second which includes the State of New York.

The subscriptions through the citizens of the District of Columbia in the third Liberty loan were greater than in any one of 18 States, namely: Alabama, Arizona, Arkansas, Delaware, Florida, Idaho, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, South Carolina, Utah, Vermont, and Wyoming.

The number of subscribers to this loan was also greater in the District than in any one of the 18 States just named except Arkansas, but including in its place Tennessee. The proportion of the population who subscribed to this loan was greater in the District of Columbia than in any one of the 48 States and was about twice as great as the percentage of the country as a whole, which ranged from 29.07 for Iowa to 3.3 for North Carolina.

The quota of the fourth Liberty loan assigned to the District of Columbia was \$27,608,000, whereas the subscriptions amounted to \$51,262,100, or a per capita subscription of \$127.61, which was nearly twice the per capita subscription for the United States as a whole, which was only \$65.94. This per capita subscription for the District of Columbia was again largely in excess of that of every Federal reserve district except the second, which includes the State of New York.

The aggregate subscriptions from the citizens of the District of Columbia of the fourth Liberty loan were greater in amount than those of any one of 23 States, namely: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Idaho, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Utah, Vermont, Wyoming.

The number of subscribers to this loan in the District was greater than that in any one of 25 States, while the proportion of the population of the District subscribing to this loan, according to the Treasury Department, was 65.8 per cent, which was much larger than in any one of the 48 States of the Union and about three times as great as the corresponding percentage for the entire United States, which was only 21.98 per cent.

Of the fifth or Victory loan, the quota assigned to the District of Columbia was \$20,307,000, while the actual subscriptions were \$28,307,000, secured from 132,159 subscribers.

POSTAL REVENUES.

While the revenue derived by the Government from the Postal Service in the District of Columbia is perhaps not a criterion as to the amount of business transacted, still it affords some indication certainly for comparison. Ignoring entirely the fact that at least three-fourths of the postal matter handled by the local post office officials is governmental matter from which no revenue is derived, the records disclose the fact that the receipts of the local post office ending June 30, 1918, were \$3,085,193.12, which was greater than the receipts of all of the post offices in any one of the following States: Arizona, Arkansas, Delaware, Florida, Idaho, Maine, Mississippi, Montana, New Hampshire, New Mexico, Nevada, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, West Virginia, Wyoming.

It also appears that these receipts exceeded the aggregate receipts of all of the post offices in Delaware, Nevada, New Mexico, and Wyoming combined, which amounted to the sum of \$2,987,047.05.

INTELLIGENCE.

The census for the year 1910 shows that the average percentage of illiteracy for all classes of its population combined was 7.7 for the United States, while for the District of Columbia it was 4.9. The District's percentage of illiterates as shown by this census was less than any one of the following 25 States: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, Georgia, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Arizona, and Nevada.

Of the native whites of native parentage, the percentage was six-tenths of 1 percent, for the District, while the average percentage for the United States was 3.7. A comparison of the District in this respect with the individual States shows that its percentage of illiteracy of this class of people was less than half of any one of the following 33 States: Maine, New Hampshire, Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Iowa, Missouri, Kansas, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Colorado, New Mexico, Arizona.

The same census shows that in the District of Columbia the illiteracy among the colored population was 13.5, or less than one-half the corresponding figures for the United States, which was 30.4, and less than the same percentage for any one of the following 19 States: Indiana, Missouri, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Mexico.

A comparison of the 1910 census with that of 1870, as well as the successive de-

cennial censuses, shows a remarkable increase in school attendance and decrease in illiteracy among the colored population. The percentage of illiteracy among colored persons of 10 years of age and over decreased from 70.5 percent in 1870 to 13.5 percent in 1910, the latter percentage being one-fifth as great as the former.

A DEMONSTRATION OF FITNESS

The foregoing statistics constitute an unanswerable argument in support of the legislation which we now recommend. They show that 437,000 people, to whom the elective franchise is entirely denied, have been and are now supporting the United States with a remarkable spirit of loyalty and devotion. In peace and in war they have always acquitted themselves commendably. The percentage of illiteracy among them is but six-tenths of 1 percent, and intellectually the District of Columbia holds a place above 33 States of the Union. The people of the District are, therefore, both morally and mentally fit to exercise the right which they so earnestly seek as American citizens. Your committee believe that their appeal should no longer remain unheeded, and that now is the time to provide a means to enable them to participate in the councils of the Nation through their chosen representatives.

THE RIGHT OF CITIZENS OF THE DISTRICT OF COLUMBIA TO SUE IN THE UNITED STATES COURTS

By Article III, section 2 of the Constitution, it is provided that the judicial power of the United States "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States and treaties made, or which shall be made, under their authority * * * to controversies between two or more States; between a State and the citizen of another State; between citizens of different States; * * * between a State, or the citizens thereof, and foreign States, citizens, or subjects."

The judiciary act of 1790 creating the United States courts and providing for their jurisdiction, recognized and conferred jurisdiction upon the Federal courts in cases where diversity of citizenship existed. This is a most important branch of Federal jurisdiction and has consistently been maintained.

Although there can be no doubt that the framers of the Constitution never intended to discriminate in this respect between the citizens of the District and those of the States, the fact remains that the District of Columbia is not a State within the meaning of the constitutional provision authorizing citizens of one State to sue and be sued by citizens of another State in the courts of the United States (*Hepburn v. Elizey*, 2 Cranch, 445, 452; *Geoffrey v. Riggs*, 133 U. S., 258, 269), although it has been held by the Supreme Court to be a State for the purpose of direct taxation (*Loughborough v. Blake*, 5 Wheaton, 317).

Attention was called to this anomaly by Chief Justice Marshall in his opinion delivered in the case of *Hepburn v. Elizey* just referred to, in which he stated:

"It is extraordinary that the courts of the United States, which are open to aliens and to the citizens of other States in the Union, should be closed upon them (District residents). But this is a subject for legislative, not for judicial consideration."

No sound argument can be presented for the existing discrimination between citizens of the District and those of the States when it comes to the question of affording relief so far as suits in United States courts are concerned. This right is even granted an alien, but denied under the Constitution to a citizen of the District. The right is a valuable one and has been consistently so recognized since the adoption of the judiciary act in 1790. It is time that this discrimination should cease, and the people of the District given the same rights in all respects as citizens of the States, through adoption of a constitutional amendment, such as provided in the present resolution.

NO CHANGE IN FORM OF LOCAL GOVERNMENT

By section 8, Article I, of the Constitution, Congress is authorized to exercise exclusive legislation in all cases over the District of Columbia. The amendment to the Constitution proposed by the joint resolution under consideration in no way affects this absolute control and jurisdiction, but Congress will have the sole power to legislate as heretofore. Your committee feels strongly that there

should be no change in respect to this relation between the Federal Government and the local municipality. The present commission form of government has worked well and satisfactorily, and so long as the power rests in the President to appoint the municipal executives of the District, the direct control and supervision of local affairs is maintained.

AMERICAN PRINCIPLES AND INTENT OF FOREFATHERS

Study of the making, construing, and expanding of the Constitution discloses that there was no intent on the part of the makers of the Constitution and of those who construed and applied it to violate the American principle that couples representation with taxation by excluding residents of the District forever from voting participation in the national councils.

Representation by the people in the legislature by delegates of their own election is the corner stone of American political institutions. Having deep roots in the constitutional history of England, this fundamental principle of free government received its full and perfect recognition in the struggle which resulted in the independence of the Colonies and the establishment of the United States. The Bill of Rights presented by the colonists to the British Parliament declared—

"That the foundation of English liberty and of all civil government is a right in the people to participate in their legislative councils."

Accepted by our ancestors as a self-evident truth, and so proclaimed in the Declaration of Independence, the principle that governments derive their just powers from the consent of the governed has since spread around the world.

DE-AMERICANIZATION OF DISTRICT

Yet in the District of Columbia, the seat of the Government of the United States, 437,571 Americans, performing justly and honorably all the duties of peace and war, remain without any representation whatever in the Government which rules and taxes them, makes the laws they must obey, and sends their sons to battle.

What is there in our scheme of government that requires that the Capital of the United States should be the one capital among the civilized nations, the inhabitants of which are excluded, deliberately and of set purpose, from all participation in their government? A vague notion prevails that this exclusion from participation in the government is the necessary consequence of the exclusive control of the Federal district vested in Congress. Such is by no means the case. The Constitution (Art. I, clause 8) confers upon Congress the "power of exclusive legislation in all cases whatsoever over the district, not exceeding ten miles square, which shall by cession of particular States and the acceptance of Congress become the seat of Government of the United States." Manifestly the purpose of this provision is to insure absolute unity of legislative power at the seat of government.

NATIONAL REPRESENTATION AND EXCLUSIVE NATIONAL CONTROL

What was excluded was that dual sovereignty which by reason of the Federal character of our Government necessarily prevailed everywhere else. As stated by Madison in the *Federalist*, complete authority at the seat of the Government was designed to eliminate the "dependence of the Members of the General Government on the State comprehending the seat of Government for protection in the exercise of their duty." (*Federalist*, XLII.)

At that time friends of the new Constitution feared and believed that the balance between the Federal and State governments was "much more likely to be disturbed by the preponderancy of the last than of the first scale." (*Federalist*, XLIV.) Hence they provided that the supremacy of Congress in the Federal district should be absolute and exclusive of all State action whatsoever,

There, sovereignty was to be single and plenary—not divided as elsewhere between two powers, one Federal and the other State. In other words: The object of this clause was to give Congress "the combined powers of a general and of a State government in all cases where legislation is possible." (*Stoutenburgh v. Hennick*, 129 U.S., 141, 147; *Capital Tr. Co. v. Hof*, 174 U.S., 1, 5; *Kendall v. United States*, 12 Pet., 524, 619.)

The amendment proposed by this resolution does not alter or diminish this absolute sovereignty in the slightest degree, for the supremacy of Congress at the seat of government will be none the less absolute, exclusive, and complete when the two Houses include among their Members representatives chosen by the inhabitants of the District. There will be then, as now, a single legislative will, obedient to a single system of law, and the total exclusion of any possible claim to authority on the part of any other sovereign.

WHAT DID FOREFATHERS INTEND?

But it is said that if the supremacy of the Federal Government in the District of Columbia does not of necessity exclude the idea of representation in the legislative body by which it is governed, nevertheless the founders of the Capital City contemplated it as a place confined to governmental uses in a manner incompatible with the exercise of political rights on the part of its inhabitants. Some go so far as to suggest that Washington was never intended to be a commercial or even populous city; that it is in the nature of a Government reservation and taken out of the application of the principle of self-government. Nothing is further from the truth. It is refuted by the acts and words of the founders, the reiterated language of the courts when called upon to consider the juridical status of the District, and the action of Congress from the time it began to deal with the government of the Federal District.

(a) *Conduct of the founders.*—The original cession by Maryland was a cession in general terms of an area 10 miles square but never located nor defined. (2 Kilty Laws, Md. 1788, C. 46.) And the acceptance by Congress was of "a district or territory not exceeding 10 miles square, to be located as hereafter directed at some place on the Potomac between the mouths of the Eastern Branch and the Conococheague." (Act of Jan. 4, 1790, 1 Stat., 130.)

What was it that had suggested in the first place the establishment of the National Capital on the Potomac, and had finally determined its precise location and extent? On this point the contemporary evidence is clear. Washington, by his personal explorations of the region, had demonstrated that the Potomac, when improved, was the shortest and best route from the coast to the Ohio Valley, and therefore the main channel, as he said, for "extensive and valuable trade of a rising empire."

The city of Washington was regarded as the natural meeting point between sea navigation and inland navigation and transport.

At a meeting of the President and the commissioners of the Federal city, held on October 16, 1791, Andrew Ellicott, geographer general, proposed that in disposing of lots in the Federal city those lots should be reserved which would be considerably increased in value when the public improvements were made, and that the first sales should be confined to those which had an immediate value from other considerations. As a reason for this he pointed out:

"It is not probable that the public improvements will considerably affect either the value of the lots from Georgetown to Fookstown, or generally on the Eastern Branch. The proximity of the first to a trading town and good navigation, and the second, lying on one of the best harbors in the country, must have an immediate value. (Commissioner's Proceedings, vol. 1.)"

It was only the enemies of the project who attempted to throw impediments in its way by predicting that the new capital would never develop into a real city. Washington, on the other hand, intended and confidently predicted that it would become "the greatest commercial emporium of the country."

It was with that view that L'Enfant's plans, made under the President's auspices, provided for a city on a larger scale than any then existing in the country. And since the cost of erecting the public buildings was to be defrayed out of the proceeds of the sale of the public lots, the plan of this city of magnificent distances was circulated by the Federal commissioners not only throughout the United States but in the principal ports of Europe.

(b) *View of the judiciary.*—How the community thus built up on the banks of the Potomac was regarded from the juridical point of view is sufficiently indicated by what Chief Justice Marshall said in *Hepburn v. Ellzey* (2 Cr. 445, 452). Holding, with apparent reluctance, that the word "State," in the special sense in which the Constitution employed it with reference to controversies between citizens of different States did not include the District of Columbia, the great Chief Justice freely conceded that "Columbia is a distinct political society and

is therefore a State according to the definitions of writers on general law." Similar recognition of the District as a "separate political community" possessing an organic social and political life of its own, is to be found in other cases in which the Supreme Court has placed the District for certain purposes in the same category as the States of the Union. (*Goefroy v. Riggs*, 133 U.S., 258, 269; *Metropolitan R. R. Co. v. District of Columbia*, 132 U.S., 1, 9.)

(c) *Legislative action.*—That the people of this "distinct political society" were not regarded as a mere collection of voteless individuals forever condemned to political incapacity and impotence, is shown by the consistent action of Congress from the time when it first began to legislate for the District. While the population of the infant city as shown by the census of 1800 was but insignificant in numbers, Congress incorporated the inhabitants of the new city into a regular municipality with all the usual self-governing powers. (Act of May 3, 1802, 2 Stat., 195.) The established corporations of Georgetown and Alexandria were continued with the same suffrage which they had respectively enjoyed under the laws of Maryland and Virginia, and the three municipalities continued in the exercise of these rights and powers until Alexandria was retroceded to Virginia in 1846. (Act of July 9, 1846, 9 Stat., 35, 1000.) And the municipalities of Washington and Georgetown were replaced by a Territorial government in 1871. During the life of these municipalities Congress more than once increased their powers and enlarged the basis of their suffrage. (Act of Jan. 8, 1867, 14 Stat., 375.)

By the act of February 21, 1871 (16 Stat., 419), a legislative assembly with its lower house (house of delegates) elected by the suffrage of the people was established for the District of Columbia, and this form of government continued in operation until June 20, 1874, when it was replaced temporarily by a commission form of government, act of June 20, 1874 (18 Stat., 116), which was established in a permanent form by the organic act of June 11, 1878 (20 Stat., 102). Surely the action of Congress for a period of nearly 70 years is a sufficient refutation of the notion that the people of the District were regarded as essentially devoid of political capacity.

SIZE UNCERTAIN, POPULATION NEGLIGIBLE.

In considering the course of this legislation, however, it is important to remember that when the Constitution was drafted it was by no means certain that any State would be found willing to make the needed cession of territory for the seat of government. While in no event could the Federal District be larger than 10 miles square, no one could foretell how restricted the area might actually be. When the present location was finally decided upon, the population of the entire area, including the existing towns of Alexandria and Georgetown, was widely scattered and scanty. And when a municipal government for the City of Washington, with suffrage for all white male inhabitants was set up by the act of May 3, 1802 (2 Stat., 195), the population of the infant city, as shown by the census of 1800, was but 14,093.

It is not strange, under these circumstances, that no provision was made either by the framers of the Constitution or by the legislators of those early days for the place in our governmental system which should be held by the inhabitants of the Federal district when their population, wealth, and other circumstances should have raised them to the dignity of a separate political community.

In the ordinance of 1787 for the government of the Northwest Territory, Congress had provided for the erection of new States when the population of a defined area should have reached 50,000. This provision, although it antedates the Constitution, may give us some clue as to the ideas of the time. It serves at least to explain the failure to provide for the ultimate constitutional status of the population of the Federal district at a time when the very existence of such a district was still conjectural. But it is worthy of note that Madison in discussing the provision for legislative power over such a district had taken it for granted that "a municipal legislature for local purposes, derived from their own suffrage, would, of course, be allowed." (*Federalist XLII*.) And in 1818 President Monroe, in a message to Congress, drawing attention to the fact that while Congress legislated directly on local concerns of the District the people had no participation in the exercise of that power, proceeded to add—

"As this is a departure for a special purpose from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our Government and to the particular interests of the people

may not be devised which will neither infringe the Constitution nor affect the object which the provision in question was intended to secure."

NATIONAL REPRESENTATION AND THE PRESIDENTS.

As the District continued to grow, other Presidents, notably Jackson, Harrison, and Johnson, drew attention to the disadvantages under which the people of the District suffered by reason of their inability through political action to make known their peculiar wants and to secure legislation adapted to them. None of these Presidents, however, regarded the exercise of political rights by the people of the District as in any wise incompatible with the grant to Congress of exclusive jurisdiction in the District of Columbia. In his message to Congress in 1831, President Jackson put the matter in these terse words:

"It was doubtless wise in the framers of our Constitution to place the people of this district under the jurisdiction of the General Government. But to accomplish the object they had in view it is not necessary that this people should be deprived of all the privileges of self-government."

And he put to Congress this significant question:

"Is it not just to allow them at least a Delegate to Congress, if not a local legislature to make laws for the District subject to the approval or rejection of Congress?"

No doubt it was this view of the matter which led at length to the establishment of a Territorial form of government with a house of delegates chosen by universal manhood suffrage and represented, as in the case of other Territories, by a delegate in the House of Representatives.

There are, however, manifest difficulties in constituting a body with legislative powers for local purposes and at the same time preserving unimpaired the general power of legislation in Congress itself. Whatever pains may be taken to define and limit the scope of the inferior legislature, the fact remains that there are two sources of law for the community. At any moment the question may arise whether a particular subject matter falls within the scope of the delegated or of the reserved authority.

CONGRESS CAN NOT DELEGATE ITS POWER OF EXCLUSIVE LEGISLATION.

In point of fact, the acts of the District legislative assembly were ultimately denied authority by the Supreme Court of the District upon the very ground that Congress was incapable of delegating to another body the legislative power conferred by the Constitution. (*Van Ryswick v. Roach, MacA. & M.* (11 D.C.), 171; *Stoutenburgh v. Hennick*, 129 U.S., 141, 147, 148.) Hence it follows that the departure from the fundamental principle involved in denying the people of the District all participation in the making of their laws (which President Monroe regarded as meriting consideration as far back as 1818) can be best remedied not by setting up an inferior legislature for limited purposes but by admitting the people of the District of Columbia to a voice in national legislation which possesses and must continue to possess the exclusive power of government over them. In this way the supremacy of Congress is reconciled with the fundamental principles of representative government; the object which the jurisdictional provision was intended to secure is completely attained without condemning the population of the National Capital to a status of political degradation inconsistent with that great truth on which our very Government is founded.

DISTRICT OF COLUMBIA REPRESENTATION DEPRIVES NO STATE OF EQUAL SUFFRAGE IN SENATE.

It remains to consider an objection sometimes urged upon the last clause of Article X of the Constitution, providing that "no State without its consent shall be deprived of its equal suffrage in the Senate." But how will the admission of a Senator, or even two Senators, elected by the people of the District of Columbia, deprive any State of its equal suffrage in the Senate? The plain meaning of this provision is that no State shall have any greater numerical representation in the Senate than any other State. It can not mean that the aliquot share of the legislative power possessed by a State at any given time can not be reduced, as the proportion of that power, which was originally 2 as to 26, has been steadily diminished by the admission of new States until it is now 2 as to 96.

Nor is it of any importance that the people by whom this Senator or these

Senators would be elected would not have any separate legislature. Even when Senators were elected by State legislatures, the legislatures did not act as the legislature in the sense of the law-making body of the State, but as a specially designated body of electors by virtue of an express power conferred by the Federal Constitution itself. Senators are no longer elected by the State legislatures, but by the people. Under the proposed amendment the people of the District of Columbia in choosing their Senators would, to that extent, but to that extent only, stand on the same footing with the people of the States. But as the people of a State, in the election of Senators as in the election of Representatives in the lower House, exercise this right without regard to the form and organization of their respective local legislature, so would the people of the District of Columbia elect their Senators and Representatives without regard to the existence or non-existence of a local legislature.

It is of course no answer to say that the Senate is composed only of members selected by the several States. That is merely to declare an obvious fact as the Constitution now stands. "The Senate shall be composed of two Senators from each State." Before the seventeenth amendment the Constitution went on to say "chosen by the legislatures thereof." But as we have seen, that is no longer true. What remains is no less subject to amendment. There is no principle of our Constitution, much less any specific provision in its articles, which forbids its amendment so as to admit into the Senate as well as into the House members who shall represent an integral part of the country such as the District of Columbia without requiring that such area shall be for all purposes whatsoever precisely like the existing States. The only limitation is that in thus amending the Constitution no State should be deprived of its equal suffrage in the Senate, and, as we have already shown, the equality of the States in the Senate will not be in any wise affected by the proposed amendment.

SUMMARY.

Summarizing, we find and report:

The proposed constitutional amendment does not reduce the power of Congress in respect to the Capital, but adds a new power; it does not propose the admission of the District into the Union as a sovereign State; it does not propose the destruction of the "10 miles square" provision of the Constitution; it does not lessen in the smallest degree the control by the Nation through Congress of what remains of the "10 miles square"; it does not disturb in any way the financial relation of Nation and Capital; it is not based upon either the abolition or retention of the half-and-half law; it does not propose or involve changes in the municipal government of the District.

It plans to bestow upon the 437,000 Americans of the District a distinctive, basic right of the American citizen—in a government of the people, by the people, for the people—in a government which roots its justice in consent of the governed—in a representative government which inseparably couples taxation and arms bearing as a soldier with representation.

This distinctive American privilege decorates the American with a badge of honor and arms him with power. Its lack slurs the Washingtonian as unfit and defective, and slurs the Nation as in this respect un-American and impotent.

What the amendment proposes is equitable in itself and compulsory in accordance with American principles and traditions.

It gives to residents of the District rights and privileges which, under our scheme of government, belong to all who pay national taxes and fight as national soldiers.

It gives to residents of the District a self-protecting power in the national councils which is denied to the resident of no other community in all of the mainland and contiguous United States from Maine to Texas and from New York to California.

In the matter of access to the Federal courts it raises District residents from a lower plane than that of aliens to the status of citizens of a State.

National representation of the District will remove from the Nation the shame of impotency.

It will proclaim to the world that the great Republic is as devoted to the principles of representative government and as capable of enforcing them as other republics with capitals in nation-controlled districts, like Mexico, Brazil, and Argentina. These nations have not found themselves impotent to give full national representation to the people of their capitals.

It will proclaim to the world that the people of Washington are as fit to participate in national representative government as the people of Rio de Janeiro, Buenos Aires, and Mexico City. Washington will cease to be the only capital in all the world whose people, slurred as tainted or defective, are unworthy to enjoy the same national representation as that enjoyed by all other cities of the Nation.

Washington will cease to be the only American community—numerous, intelligent, prosperous, public spirited, and patriotic—in all the expanse of continental and contiguous United States whose fitness to exercise national privileges as well as to bear national burdens is denied.

National representation will clothe the Washingtonian with a vital American privilege to which he is undeniably in equity entitled; will cleanse him of the stigma and stain of un-Americanism; and, curing his political impotency, will arm him with a certain power.

It will relieve the Nation of the shame of un-Americanism at its heart and of impotency to cure this evil.

It will inflict no injury or hardship upon either Nation or Capital to counteract these benefits.

[H. Rept. 2828, 76th Cong., 3d sess.]

NATIONAL REPRESENTATION FOR THE PEOPLE OF DISTRICT OF COLUMBIA

AUGUST 5, 1940.—Referred to the House Calendar and ordered to be printed

Mr. SUMNERS of Texas, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.J. Res. 257]

The Committee on the Judiciary, to whom was referred the joint resolution (H.J. Res. 257), proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia, having considered the same, report it favorably to the House with amendments, with the recommendation that as amended, it do pass.

The committee amendments are as follows:

Page 2, lines 4 and 5, strike out the word "Congress" and insert in lieu thereof the words "House of Representatives", and in line 15, strike out the words "Senator or".

Page 2, line 16, strike out the quotation marks at the end of the line.

Page 2, at the end of the resolution, insert the following new section:

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

EXPLANATION

This proposed amendment to the Constitution dealing with the District of Columbia is merely an enabling provision giving to Congress the power to provide for the District of Columbia the sort of government which in its judgment the District should have, including the right to have representation in the House of Representatives, and to participate in the election of the President and the Vice President, with the right reserved to the Congress to repeal or modify any grant thereunder of right to the citizens of the District to participate in the Government. If the proposed amendment should be adopted there would be no surrender of paramount Federal control. It would not conflict with or disturb the original arrangement provided in the Constitution that Congress should "exercise exclusive legislation in all cases whatsoever" over the District of Columbia.

The proposed amendment gives to citizens of the District the same access to Federal courts on the ground of diversity of citizenship now had by citizens of States.

COMMITTEE AMENDMENTS

The first amendment limits the representation which Congress might bestow upon the District to that of representation in the House of Representatives. Congress would be unable to give the District of Columbia representation in the Senate in view of this amendment by the committee.

The second committee amendment merely corrects the punctuation. This correction is made necessary because of the addition of a new section by the third committee amendment.

The third amendment adds a new section having for its purpose the limitation of time within which the amendment may be ratified by the States, that is, within 7 years from the date of submission to the States.

NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

AUGUST 4 (legislative day, JULY 28), 1941.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

ADVERSE REPORT

[To accompany S.J. Res. 35]

The Committee on the Judiciary, to whom was referred the joint resolution (S. J. Res. 35) proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia, after full consideration, hereby unanimously report the joint resolution adversely with the recommendation that its consideration be indefinitely postponed.

(Senate Joint Resolution 35 is as follows:)

"JOINT RESOLUTION Proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed for ratification by the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid as a part of said Constitution:

"ARTICLE—

"SECTION 1. The Congress shall have power to provide for the people of the District constituting the seat of the Government of the United States representation in the Congress and among the electors of President and Vice President no greater than that of the people of the States, and to delegate to such government as Congress may establish therein all or any of its power over said District; and the judicial power of the United States shall extend to controversies to which citizens of said District shall be parties the same as to controversies to which citizens of a State shall be parties.

"SECTION 2. All legislation hereunder shall be subject to amendment and repeal: *Provided*, That no amendment or repeal shall affect the office of a Senator or Representative during the time for which he was elected.

"SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within 7 years from the date of the submission hereof to the States by the Congress."

SUMMARY OF PROPOSED AMENDMENT

The object of Senate Joint Resolution 35, proposing a constitutional amendment, is basically threefold—

(a) To authorize the Congress, in its discretion, to grant to the District of Columbia national representation in the Congress of the United States;

(b) To authorize the Congress, in its discretion, to establish a system of local self-government in the District of Columbia, to be maintained by local suffrage, and to delegate to such government any or all of its powers over the District of Columbia;

(c) To extend the judicial power of the United States with respect to diversity of citizenship to controversies to which citizens of the District of Columbia may be parties, just as the same now applies to controversies to which citizens of a State shall be parties.

Section 2 of the resolution provides that all legislation which may be enacted under the constitutional amendment shall be subject to amendment and to repeal, with the provision that no amendment or repeal shall affect the office of a Senator or Representative of the District during the term of the office to which he was elected.

Section 3 contains the usual time limitation within which the several States may ratify the amendment.

HISTORY

The District of Columbia owes its origin to section 8 of article I of the Constitution, wherein Congress is empowered—

"To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States. * * *

Commenting on this clause of the Constitution, Madison, in No. XLII of the *Federalist*, wrote:

"The indispensable necessity of complete authority at the seat of Government carries its own evidence with it. * * *. Without it, not only the public authority might be insulted and its proceedings be interrupted with impunity, but a dependence of the members of the General Government on the State comprehending the seat of the Government, for protection in the exercise of their duty, might bring on the national Councils an imputation of awe or influence."

The committee was impressed with the language employed by those who drafted the Constitution. It will be noted that Congress is given not only exclusive legislative jurisdiction in the District but that the phrase "in all cases whatsoever" is added to make doubly certain of the free and uncontested rule of Congress at the seat of Government. The use of this language is by no means mere accident.

Prior to the creation of the District of Columbia, no less than eight cities, in four States, were capitals of the United States, namely, Philadelphia, Baltimore, Lancaster, York, Princeton, Annapolis, Trenton, and New York. In no instance did the Federal Government enjoy an uncontested superiority at the seat of Government. On the contrary, in each instance the Federal Government was subjected to the whim and caprice of local administrators. Indeed, in 1783 Pennsylvania troops, stationed at Lancaster, marched on Philadelphia to threaten and frighten Congress into passing increased Army pay legislation, forcing the Congress to flee to Princeton for safety. This flagrant insult to the National dignity was not forgotten by those who drafted the Constitution.

When it is recalled that one of the outstanding weaknesses of the Articles of Confederation was the lack of exclusive Federal jurisdiction at the seat of Government and that attempts to establish a permanent seat of government in the States of New York and Pennsylvania, after the adoption of the Constitution, were unsuccessful because of the conflict of authority between State and Nation, superimposed on a background of local political intrigue, it will be seen that the constitutional provision for exclusive Federal jurisdiction over a separate district was based upon a bitter experience. Because of the constant threat of political strife and turmoil at the seat of government, the District of Columbia was carved out to be and to remain a neutral entity.

By act of July 16, 1790 (1 Stat. L. 130), Congress provided for a district not exceeding 10 miles square, to be located on the Potomac. Virginia had provided on December 3, 1789, for the cession of such portion of the District as might be located in that State. On January 24, 1791, President Washington issued a proclamation designating the boundaries of the District. Maryland provided for the cession of the portion of the District in that State by an act of December 19, 1791.

The District was thus made up of two municipalities—Georgetown and Alexandria, and Washington and Alexandria Counties. In 1802 (2 Stat. L. 195), the inhabitants of Washington County were incorporated into the city of Washington, headed by a mayor and a council. The mayor of Washington was at first appointed by the President, but by the charter of May 15, 1820 (3 Stat. L. 583), it was provided that he should be elected.

In 1846 the Virginia portion of the District was retroceded to Virginia and the District was reduced to its present limits.

Under the act of August 6, 1861 (12 Stat. L. 320), the municipalities of Georgetown and Washington and the county of Washington were unified to a limited extent by the creation of the Metropolitan Police District of the District of Columbia.

From 1802 to 1871 the cities of Washington and Georgetown were administered by mayor-council types of city government. From 1820 to 1871 these offices were elective, each municipality choosing its own mayor and members of council with full autonomy.

The year 1871 brought a major change when Congress set up a municipal government for the District, patterned after that in the Territories. Washington and Georgetown charters were repealed and the executive power was vested in a governor, appointed by the President by and with the advice and consent of the Senate. The legislative power was vested in an assembly consisting of a council of 11 members appointed by the President, and a House of Delegates of 22 members elected by popular vote.

Under the so-called Territorial government the tax burden was greatly increased, resulting in a series of special assessments. So much antagonism developed over the expanded debt that Congress was forced to make a detailed investigation into the matter, culminating in the act of June 20, 1874 (18 Stat. L. 116), which repealed all provisions of the Territorial government, so-called. That act further authorized the President to appoint a commission of three persons to administer the affairs of the District, generally called the temporary government. Four years later the act of June 11, 1878 (20 Stat. L. 102), established the present Board of Commissioners of three members, one to be an officer of the Engineer Corps of the Army. Changes have, of course, been made from time to time, but the present government is essentially that established in 1878.

THE ISSUES

Senate Joint Resolution 35 raises two issues, namely, (a) national representation for the District and (b) autonomy for the District.

After extensive hearings, your committee unanimously concluded that national representation for the District is both unwise and unsound. It would be contrary to the best interests of the United States, as well as detrimental to the citizens of the District. That there should be no conflict of authority between Nation and State at the seat of Government is admitted, manifest, and imperative. Although the pending resolution is in no sense self-executing in this regard (merely authorizing the Congress to provide national representation for the District at some future time), the committee is of the opinion that such a power vested in Congress would but admit of extreme pressure on the Congress to do that which we deem unwise and unnecessary.

No reference to statehood is made in the resolution, per se, but we believe that national representation as advocated by proponents, and as would be authorized by the measure, can mean no less. The Constitution confers national representation on States alone. Only a State may enjoy this privilege. It is not accorded to the Territories. To grant national representation to the District would confer on the District privileges tantamount to statehood without exacting coextensive responsibilities. Senate Joint Resolution 35, made a part of the Constitution and permitted to operate to its logical conclusion, would transform the District into a super-State with all its attendant possibilities for confusion with the Federal Government. Under existing law, the Federal Government must contribute from the Public Treasury a portion of the cost of maintaining the District. Therefore, in addition to voting for President, Vice President, and Members of Congress (which is national representation for all the States), the District would also continue to draw on every other State in the Union for support of the newly created super-Commonwealth.

To continue with the process of contribution from the Federal Treasury to sustain the District after it had been virtually invested with statehood would be to invite legitimate objection from the States, or to encourage a demand from the States or other municipalities that they, too, be supported from the Federal Treasury.

To withdraw the Federal contribution from the District, which must inevitably result, would but place an additional tax burden on the tax-paying citizens of the District.

As to the other issue with respect to local self-government, Congress now possesses ample authority to establish a form of local autonomy and to revitalize suffrage in the District. Suffrage has never been taken from the District. It exists today as it did from 1820 to 1874. When in 1874 all elective offices were abolished, the vote remained untouched. Autonomous suffrage could be exercised today if offices were provided.

Should the Congress determine that self-government is desirable for the District, this may be accomplished by an act without a constitutional amendment.

Finally, the resolution makes provision for extending the judicial power of the United States to controversies to which citizens of the District shall be parties the same as to controversies to which citizens of a State shall be parties. Such extension of original jurisdiction has already been provided in Public Law No. 463, Seventy-sixth Congress.

The committee recommended that consideration of Senate Joint Resolution 35 be indefinitely postponed.

Mr. WENDER. Surely in the intervening 19 or 20-odd years there has been a remarkable change of atmosphere, both in the Congress and on the part of the people. Not only have two new States been admitted that we didn't dream of 19 or 20 years ago would be admitted as States, but the atmosphere here in Congress, the Senate has passed local home rule bills several times; this House has not considered it. But I would say to you now, that based upon what I consider to be the truth, and based upon my own personal knowledge of the attitude of Congressmen and citizens here, that if this committee will and does report out this joint resolution, that it has the best chance of passing Congress, and subsequently being approved by the Senate and being approved by the States, of any similar legislation that ever came before Congress.

I am personally convinced that the citizens of Washington will catch fire as this committee approves it, and I know that I can pledge the activity of my organization, B'nai B'rith, that throughout the length and breadth of our 50 States we will see to it that the people know in the States the importance of this legislation, and of the constitutional amendment, so that the States, in turn, will approve the amendment.

I thank you for the opportunity of appearing before you, and I will be glad to answer any other questions.

Mr. HOLTZMAN. Do you have any further questions?

Mr. McCULLOCH. I particularly enjoyed hearing the last sentence or two that the gentleman has spoken: This is a lecture which should be directed and is directed at all the States of the Union, and to the people in the District if this resolution is finally a part of our Constitution. I hope that those who are now authorized to exercise the elective franchise will accept the responsibilities and duties that go with it to a greater extent than they have been doing so in the past. Certain segments of our citizenry, for instances, exercise that franchise only to the extent of 10, or 15, or 25 percent where there is no hindrance by any State officials. We have the warning of one of the the Founding Fathers and we should know that liberty isn't something that we just talk about to get newspaper headlines and then do nothing to preserve it.

We can take a lesson from some of the foreign nations which have been without liberty during some of the years in the last two or three decades.

Mr. HOLTZMAN. I am sure my colleague would agree with me that the fact that some citizens don't exercise their rights is no reason why

all citizens should not be entitled to their rights. I am sure he agrees with me on that.

Mr. WENDER. I would like to thank Mr. McCulloch for what he just said because I would like him to know that the organization that I represent here today a year ago was presented with an award by the American Heritage Foundation because it, more than any other organization in America, has devoted its tremendous efforts to do the very thing that you are proposing, that we encourage the American people to exercise their right of franchise. I agree with you that the greatest crime that we probably have in all America is the lack of interest on the part of qualified people to do something about improving their Government wherever they can. This is only more of the reason why we who cry for the opportunity here, beg you for it, are not allowed to participate in it. I think it is all the more good reason why, with the well qualified people we have in America, they ought to be given that opportunity.

Mr. McCULLOCH. I hope you continue to win such awards as you have just mentioned.

Mr. HOLTZMAN. Thank you very much, Mr. Wender. It was nice having you.

We will hear Commander Borchardt, of the Veterans of Foreign Wars.

(No response.)

Mr. HOLTZMAN. Mr. Herbert Hudgins?

STATEMENT OF HERBERT V. HUDGINS, WASHINGTON, D.C.

Mr. HUDGINS. Mr. Chairman, my name is Herbert V. Hudgins, I am a citizen and taxpayer of Washington. I live at 3035 Vista Street NE., in this city.

I am a member of the Woodridge Citizens Association.

I want to thank you, Mr. Chairman, for inviting me here this afternoon to appear in behalf of House Joint Resolution 529.

I appear at your invitation to say a few words for this particular bill for the District of Columbia. We have been treated cruelly in the past by the House of Representatives by not being allowed to vote.

We in the District are classified as paupers, lunatics, and criminals, and I don't see how you could get any lower than that.

But thank the good Lord I have never been kicked in the head by a horse yet.

We pay taxes and have no say in our government. We have many people working for the District government, living in nearby Maryland and Virginia, and who are now living on the vitals of the taxpayers of the District. They should live where their bread is buttered. This would never happen if you give us the right to govern ourselves.

The only reason for this exodus of District employees—I am speaking of the District employees—into nearby Virginia and Maryland, is their hatred of the Negro.

We want to grow and prosper and be happy. This can be done if you give us the right to vote.

Taxation without representation is tyranny.

I do not think it is your intention to treat us cruelly.

I would like to say a few words for the better class of Negroes in the District of Columbia. I am a Virginian, and I happen to be the son of one of the last Confederate officers to leave the side of Jefferson Davis before he was placed in a cold dungeon at Fortress Monroe.

The colored people here—the better class I have in mind—have so few friends. The best way to understand somebody is to put yourself in his place. I have no doubt but what all of you are prejudiced against colored people. Maybe two or three of you are not, on this committee. We don't want to be prejudiced, but we are. All I hope for is that you are strong enough, honest enough, to lay prejudice aside in this bill before your committee.

Take the hatred out of this matter and you have nothing left.

I want to be fair, and I know it would pay me to be. But gentlemen there are people in this city who want you to be cruel for them. It is a pretty job to turn over to such a fine body of men as you are; pretty tough.

Aren't you glad you aren't colored?

You and I deserve a lot of credit for it. If a Negro hasn't the right to live somewhere and vote and be happy, you might as well take him out and shoot him.

Mr. Chairman and members of this committee, you have a chance to pass upon a real bill that will mean something to the colored and white people here in Washington. I would rather have the respect and friendship of all the colored people in the District of Columbia than to become the next mayor of Washington.

Wouldn't it be a glorious triumph for justice if we were given the right to vote and govern ourselves?

Citizens of Washington, if you want to vote, awake now or never.

That is all I have to say, Mr. Chairman.

Mr. HOLTZMAN. Thank you.

Are there any questions?

Mr. McCULLOCH. No.

Mr. HOLTZMAN. We will hear from Mr. Gover M. Koockogey, vice president of the Kalorama Citizens Association. That is a very difficult combination, Mr. Koockogey.

STATEMENT OF GOVER M. KOOCKOGEY, VICE PRESIDENT, KALORAMA CITIZENS ASSOCIATION

Mr. KOOCKOGEY. It means beautiful view, I believe. It is from the Greek.

I only ask permission to speak because I understand some of the individual organizations want to be heard. We are constituent members of the federation. We know their stand and we endorse it. In fact I think we are one of the first organizations to wholeheartedly endorse this proposition of House Joint Resolution 529.

Our Mrs. Harvey Wiley, a charter member of over 40 years membership, has worked very hard for this proposition whenever it was before Congress. You have all gotten letters from her. She has circularized the entire Congress every time there has been a bill in here, at her own expense.

So there is not much we can say than to just back up what Mrs. Wiley has said.

I have been very interested in the questions that Mr. McCulloch has been developing about the population angle. It sounds very reasonable, the point that he is making. But I do believe that the general rule followed in apportioning representation in Congress is according to the census figures. I hope if this resolution goes through that he won't hold us down to a different formula.

Mr. McCULLOCH. Mr. Chairman, I should like to say this: I think the condition is much different with respect to the residents of the District of Columbia than of any like territory or any entire State in all the country. For that reason I am sure that if you analyze some of the proposals very carefully you must come to a conclusion that there could be representation in a fashion which, if it didn't violate the letter of the Constitution, certainly would violate the spirit.

Mr. KOOCKOGEX. You have a point, Congressman, and I am glad to help you make it, if I have.

Mr. HOLTZMAN. I may say, if you will hold up just a moment, I think the census is so set up, counsel so informs me, that each individual can be counted only once. That doesn't mean there is no room for error, but generally speaking it would be accurate and fair and would preclude the dual situation that Mr. McCulloch envisages.

Mr. KOOCKOGEX. I only thought that where they counted according to population, there are some sections where there is a large population of people who are not citizens at all. Of course you might say that is the same thing here.

Mr. McCULLOCH. To carry on our friendly discussion a little further, I think there is an essential difference. Subject to what counsel has said, that the people are counted only once, if they be counted twice, then the representation in Congress would be double that which it otherwise would be.

If 800,000 people were to come into Ohio who were not citizens qualified to vote, while they would be taken into consideration in determining our representation in Congress, they would not be taken into consideration twice. They would only be taken into consideration once. And if our counsel is right, subject to the desire of the District of Columbia to show as big a population as possible, and not subtracting, if I could use those old words of the Constitution which were written in for a certain purpose, we do have this problem confronting us.

Mr. KOOCKOGEX. I am glad that I have helped you develop your point. It is a very good one.

I simply want to say that that is our position. The principle of this Joint Resolution 529 we have endorsed several times. I am very glad to get it in the record.

Thank you.

Mr. HOLTZMAN. Thank you very much.

Are there any other witnesses?

Would you come forward please? With the admonition of Chairman Celler's that your statements be brief, please come forward and make your statements.

STATEMENT OF THEODORE PRAHINSKI, VICE PRESIDENT FOR DISTRICT AFFAIRS, YOUNG DEMOCRATIC CLUB OF THE DISTRICT OF COLUMBIA

Mr. PRAHINSKI. My name is Theodore Prahinski. I am the vice president for District affairs of the Young Democratic Club of the District of Columbia.

I am speaking because our president has been called up on 2 weeks' military reserve duty.

This is the resolution passed unanimously by the executive committee of our club:

The Young Democratic Club of the District of Columbia feels that the District of Columbia residents should have the full and complete rights of citizenship.

We urge the House of Representatives to include in the proposed constitutional amendment provisions which would allow the District to have two voting Senators, the right to vote for President of the United States, and voting Members in a number determined by the population as used in the States.

The Young Democratic Club of the District of Columbia further feels that as desirable as national representation is, the drive to pass it should not be used to divert momentum from the current drive to earn home rule for the District of Columbia.

As you can see, we are not satisfied with the proposed amendment. We feel that if this subcommittee will vote to give us Senators, and voting Members in the House of Representatives, that the full House will approve this, as will the Senate after conference. It will be at least 1964 before we can vote for presidential electors under the present form of the amendment, and judging by the speed with which the House is presently acting on the home rule discharge petition, it will be 2064 before enabling legislation under the proposed amendment will be passed to give us Delegates to the House. We are not afraid to take the risks of delay.

The District of Columbia is a political unit entitled to equal treatment with the States in every way except that as the National Capital the Federal Government should have supervisory power over the local government which should be elected by the people to consider purely local matters.

Two Senators is our right. Our population exceeds that of 15 of the States, and the framers of the Constitution intended Senate representation to be the same for large and small States.

The Senate collectively is said to feel that its voting strength should not be diluted, and that representation should be limited to States. However, no Senator is ever quoted by name as making such statements. We are sure that if this subcommittee squarely presents this issue to the Senate, no Senator will state for the record that the people of the District of Columbia are inferior to the people of the States, and are not good enough for representation in the Senate, but that the House of Representatives, a less exclusive club which will take anybody, is welcome to have us.

We are sure that if any Senators believe the people of the States are inherently better than those of the District of Columbia, or that the Senate inherently has any more dignity or importance than the House of Representatives, they are a minority.

We cannot see why voting powers should not be given our delegates to the House, why further legislation should be required to give us these Members, or to set their numbers and powers, or why future Congresses should have the right to take away their powers or set their number on some basis other than that used in apportioning members among the States. If two-thirds of both Houses of Congress and three-fourths of the States approve the amendment, what other evidence is needed to show the people of the United States want us to have congressional representation on the same basis as themselves?

To obtain passage of a constitutional amendment is a long and arduous task. We feel the job should be done right the first time. We are not satisfied with an amendment which by treating us on a different basis than the States fastens the aura of second-class citizenship upon us, perhaps for all eternity.

Mr. HOLTZMAN. In other words, you don't feel, as some of the previous witnesses, that we ought to get this little piece now and subordinate that to the broader task confronting us; is that correct?

Mr. PRAHINSKI. That is correct. I recognize their good will but I think they feel that we will get this through. We are not going to get this through unless the people of the United States get mad about the situation. The Senators who say this sort of thing are the same sort of people who were mad, who didn't want a Chinese Senator or Congressman, and now they don't want a Negro Senator up there. I think they are in the minority, and I am not afraid of the possibility of having a Negro Senator up there because, if I might just point out something, this Sunday I was at a political meeting in a Negro church. A Negro candidate for office said that he is a Negro, and as Negroes they felt that they appreciated most those who gave people a chance to help themselves, and accordingly people there should vote for him. He got a rather stoney silence in that audience.

After him a speaker said that he thought it was just as bad to vote for a man because of his race as it was to vote against him because of his race, and the Negroes in that church cheered with great enthusiasm.

There are responsible Negroes, responsible leaders, and the Negroes of this city realize this. If we get a Negro Senator he will be a good one, just as the Senator from Hawaii is a man who in the great American tradition has made a million dollars, and a Japanese Congressman, a man who had enough ability to become the speaker of the territorial legislature.

Mr. HOLTZMAN. Thank you very much.

STATEMENT OF MRS. HENRY GICHNER, WASHINGTON, D.C.

Mrs. GICHNER. Mr. Chairman, I had requested permission to speak as an individual. I have a prepared statement.

Mr. Chairman, I want to thank you for this opportunity that you are giving me.

I am Mrs. Henry Gichner, a resident of the District of Columbia for more than 20 years. I speak as an individual because I belong to and work for many organizations. But in response to the questions that were asked this morning by some of the Congressmen as to how the residents of the District of Columbia felt as individuals, I accept their invitation to speak on this subject.

I wholeheartedly support the statements made by the Citizens Joint Committee on National Representation for the District of Columbia. As vice chairman of the District of Columbia Committee for the White House Conference on Children and Youth, I attended the meetings, forums, and workshops last week. I was assigned to the particular area concerned with citizenship.

Citizens from all parts of the country, young and old, of all races and creeds, discussed the rights of citizenship and the obligations inherent in those rights. The citizens of the District of Columbia recognize their obligations; they have no opportunity to exercise the rights given to others.

In the interest of avoiding repetition of arguments already presented, I will not dwell on facts known to you: the amount of taxes paid, military service given, comparison of population of the District of Columbia with other States, and other points. I merely want to underline the sincere desire and right of thousands of second-class citizens of this important democracy to have a voice in the selection of the Chief Executive who controls so much of their day-to-day lives, including the appointment of the Commissioners of the District of Columbia, to be included under the provisions of the Constitution concerning the casting of ballots, and to be represented in the Congress of the United States by regularly elected delegates with voice and vote.

We speak loudly to the world of the glories of a democratic society; we jealously watch other people's rights in free society; we deprive a segment of our population of privileges which should be theirs. I strongly urge giving the residents of the District of Columbia the right to vote for President and Vice President, and a voice in Congress through elected representatives with full power of voice and vote.

Mr. HOLTZMAN. Thank you.

Mrs. GICHNER. Thank you very much, Mr. Chairman.

Mr. HOLTZMAN. We appreciate your remarks.

I understand there is another witness to be heard?

If not, we will close the hearings today and resume tomorrow morning at 10 o'clock.

The subcommittee stands in recess.

(Whereupon, at 3:38 p.m., the subcommittee was adjourned, to reconvene at 10 a.m., Thursday, April 7, 1960, in Washington, D.C.)

DISTRICT OF COLUMBIA REPRESENTATION AND VOTE

THURSDAY, APRIL 7, 1960

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee was called to order at 10 a.m., in room 346, House Office Building, Hon. William M. McCulloch presiding.

Present: Emanuel Celler (chairman of the committee), Peter W. Rodino, Jr., Byron G. Rogers, Lester Holtzman, Harold D. Donohue, Herman Toll, William M. McCulloch, William E. Miller, and George Meader.

Also present:

Roland V. Libonati, member of the committee.

Cyril F. Brickfield, counsel; Wm. H. Crabtree, associate counsel; Richard Peet, counsel.

Mr. McCULLOCH. The committee will please come to order.

By reason of a very important commitment of our colleague, Mr. Harris, the gentleman from Arkansas, we will hear a statement from him immediately.

We are very happy to have you here, Mr. Chairman.

STATEMENT OF HON. OREN HARRIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. HARRIS. Mr. Chairman and members of the committee, thank you very much for your courtesy. I am indeed pressed for time because of pressure of a committee meeting that is supposed to be underway, and there are a good many witnesses to be heard this morning on the ethics problem in our regulatory agencies of the Government.

Your distinguished chairman, Mr. Celler and I were talking last night. He suggested that if I could get the time to drop by for just one minute, to do so. I have done so to express my full and complete support for the resolution, for the amendment to the Constitution to provide for a vote for the citizens of the District of Columbia for the President and Vice President, and to provide for a delegate in the House of Representatives.

Very briefly, you know that I was chairman of the subcommittee on the District of Columbia even back in the days on the committee with our distinguished Senator from West Virginia, Senator Randolph. I was opposed to the many proposals at that time regarding the so-called home rule approach that they made for the District of Columbia.

As chairman of the subcommittee I heard many, many witnesses. We took a lot of testimony, voluminous hearings were held on the entire subject matter. During the course of these hearings and the consideration of all of these problems I announced my intention and my full support of providing suffrage for the people of the District of Columbia for this purpose.

I introduced resolutions which came to this committee and urged that they be adopted. I haven't changed my mind in my support for this approach to it. I think it is the right approach, and I am here in full support of Chairman Celler and the other members of the committee on this problem.

Mr. McCULLOCH. We are very happy to hear you, Mr. Harris.

Mr. Miller, do you wish to ask the chairman of the Committee on Interstate and Foreign Commerce any questions?

Mr. MILLER. No.

Mr. HARRIS. Thank you for your courtesy, and my distinguished colleagues and Senators who are here this morning.

Mr. McCULLOCH. Our next witness is the Honorable Francis Case, U.S. Senator from South Dakota.

STATEMENT OF HON. FRANCIS CASE, U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator CASE. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, I regard it as a real privilege to come over here and first of all to extend my greetings to the members of the committee who were colleagues of mine in the days when I served in the House of Representatives, and also to express my appreciation for the opportunity to speak in behalf of the proposed constitutional amendment which would give the citizens of the District of Columbia the right to vote for presidential electors and also Delegates in the House of Representatives.

When I come to speak on this subject of votes for the people of Washington, I come as an old friend of the voteless citizens of the District of Columbia. Not only when I was in the House of Representatives did I serve on the Appropriations Subcommittee for the District of Columbia for a time, but also for several years I was a member of the Legislative Committee on the District of Columbia in the Senate and was chairman of the committee during the 83d Congress.

Even before I was chairman of that committee in the first Congress of which I was a Member of the Senate, I had the honor accorded me by the then majority leader, Senator McFarland of Arizona, and Senator Neely, of handling on the floor a so-called home rule bill for the District of Columbia. This was a little unusual in view of the fact I was a Member of the minority in the Senate at the time. I mention that only because I had the experience of piloting for 12 days the course of a so-called home rule bill in the Senate during the first term of which I was a Member of the Senate.

During the 83d Congress when I was chairman of the District Committee I had the privilege again of handling a home rule bill on the floor of the Senate. On two occasions, then I went through the experience of piloting a home rule bill through the Senate, and

I mention that merely to make clear that I have been in favor of votes for the District of Columbia for the people who pay taxes here. I think they should have some voice in their Government.

Reluctantly, however, I came to the conclusion that this was not the way in which votes would first be provided for the District of Columbia, if ever. I saw those bills come to the House of Representatives and languish and die for reasons with which the members of this committee are as familiar as I.

I came rather reluctantly to the conclusion then that the proper approach, or the best approach for those who believe that people ought not to be taxed in this country unless they had a voice in their Government, was to propose the constitutional amendment. And so I introduced a constitutional amendment in the Senate. And in order that I might bring it to the attention of the city and the Congress I offered it as a substitute for a home rule bill in the Senate in July of 1959.

We had considerable discussion on the procedural situation that developed then: How do you attach a constitutional amendment to a legislative bill? Some of the members of the Senate District Committee would have preferred that I offer it as an addition to the bill, as an additional amendment. I offered it as a substitute because I thought, and I said very directly at the time, that my experience in the House of Representatives and my experience with these two home rule bills had convinced me that any bill that came to the House of Representatives, and would be referred to the House Committee on the District of Columbia, would languish and die; but that I thought that by offering it as a substitute for the home rule bill, that is, offering the constitutional amendment to provide for votes on presidential electors and Delegates, if it came over here as a constitutional amendment then it would come before this committee.

I expressed confidence that the Judiciary Committee of the House of Representatives would consider the constitutional amendment and I said this, and I quote from the record of July 15, 1959:

I feel that he [referring to the chairman] and his committee would give prompt consideration to it and I think there would be a chance to get some action.

The fact that this committee is holding these hearings, and the expressions of opinion that have been credited to members of this committee, justify that faith, I believe. In fact you are giving the matter prompt attention when it finally did come before you.

At the time I offered the constitutional amendment as a substitute for the home rule bill in July 1959, as I said some of them would have preferred that I offer it as an addition to the bill rather than as a substitute. But after the Chair ruled that if tacked onto the home rule bill it would have required a two-thirds vote for passage of the entire bill, I decided not to offer it as an addition but offered it as a substitute, and we voted on it in the Senate. That was the first time I believe that the Senate ever did vote upon the question of a constitutional amendment to provide voting by the people of the District of Columbia on electors for President and Delegates in the House of Representatives.

Because of the fact, however, that the District Committee felt its home rule bill would thus be bypassed and set aside, members of that committee, though indicating favor for the constitutional amendment, did not vote for it as a substitute. That, coupled with the fact that members who wanted home rule and felt that substituting the constitutional amendment would make it impossible for them to get a vote on it, didn't vote for it. But two significant things happened. We did get several votes for the constitutional amendment from Members of the Senate who every previous time had indicated opposition to any form of home rule legislation. And if you were to read the names of the Members of the Senate—I shall not recite them here—which appear at page 12233 of the Record for July 15 you would recognize the names of many Senators who have been opposed to home rule as such for the District of Columbia.

So it demonstrated that there is support for this type of legislation that would not come on a bill for home rule. I think you will find that same experience in the House of Representatives. In fact as I listened to your distinguished colleague, the chairman of the Committee on Interstate and Foreign Commerce this morning, it was evident that here you had a concrete example of the fact that there is support for the constitutional amendment where support does not rest in the same person for the so-called home rule.

The other significant thing was that Senator Keating, of New York, and two or three other Senators who are members of the Judiciary Committee, indicated an interest in that approval. The result was that the Senate Committee on the Judiciary, which up to that time had not held hearings on our constitutional amendments, decided to hold hearings on the constitutional amendment. Senator Keating and Senator Beall, Beall being the present ranking minority member of the District Committee, and I appeared before the committee headed by Senator Kefauver, and the outcome of it was a bill reported. That bill was sort of a consolidation of the three constitutional amendments we had individually proposed, and was reported favorably by that subcommittee.

Consequently, later when we had the constitutional amendment before the Senate, which proposed to deal with the election of the Members of the House of Representatives in case a majority of the House were unfortunately incapacitated, Senator Keating offered the amendment which was the consolidation of our amendments before the Judiciary Committee as an amendment to this constitutional amendment, and the Senate agreed to it. That was the way in which the issue was adopted by the Senate. The three-part constitutional amendment, one dealing with the primary elections, one part dealing with the poll tax and applying to primaries, one part dealing with the election of Members of the House of Representatives in case of disaster, and the third part dealing with this matter of votes in the District of Columbia.

I have recited this to give you a background of the action in the Senate and to say, by so doing if I can, that I think that this is the best chance that the people of the District of Columbia have had to have a vote given them as they should have by reason of the fact that they are citizens of the United States, that they pay taxes, that this is the seat of government.

Mr. Chairman, it has always seemed to me that it is the ultimate irony that the people who reside at the seat of government for the Nation that preaches to the world about self-government, have been denied any voice whatsoever in their own government. And I repeat that, because I think that that is the nub of this whole matter. We preach to the whole world the virtues of self-government. Yet in the very Capital City we have persistently denied any voice in their own government to the people who live here.

I submitted a letter to you, Mr. Chairman, and I would like to have the entire letter made a part of my remarks, or inserted, if it can be. (The letter is as follows:)

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., April 6, 1960.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: You and your committee are to be commended for taking up the question of giving the right of franchise to District of Columbia residents.

This is the ultimate irony: that the people who reside at the seat of government for the Nation that preaches to the world about self-government are denied any voice whatever in their own government.

Despite the millions of words spoken and written against this denial of suffrage, is it not equally ironic that this matter has not reached the Senate or the House for a vote in 160 years?

Many will recall that during the first session of this Congress (July 15, 1959) when the Senate was considering S. 1681, providing home rule for the District, I offered as an amendment the text of Senate Joint Resolution 60 to give the right of franchise to District of Columbia residents. A number of Senators, who supported this in principle, did not favor tying the District of Columbia vote with District of Columbia home rule and the amendment was defeated—but several said they would support it if they could vote on it on its own merits and not in replacement of the home rule bill. This was encouraging so on August 18, I appeared before the Constitutional Amendments Subcommittee of the Judiciary Committee which was considering Senate Joint Resolution 126 relating to the poll tax. I urged that the District of Columbia voting amendment be added to that amendment. Senator Keating made a similar presentation.

As a result of the interest which these efforts stimulated, I joined with Senators Beall and Keating in sponsoring Senate Joint Resolution 138, which harmonized the minor differences of approach taken in the separate proposals introduced earlier.

This resolution, after a hearing, was favorably reported with the amendment that the number of delegates the District of Columbia would have would be equal to the number it would be entitled if it were a State.

Thus, when the District of Columbia vote amendment was approved as a part of the three-amendment package in February of this year, I was more than pleased.

No amount of oratory, no amount of breast beating, no dosage of foreign aid can wipe out the blot of this hypocrisy of vote denial. Not property or the lack of it, not literacy or illiteracy, not the poll tax, not sex, not age but residence and residence alone denies suffrage to those who reside at the seat of government for the United States.

Government for residents of the District of Columbia can never be truly government by the governed until they participate in the election of the national administration and of representation in Congress. No plan for electing a local council can provide true self-government unless the Constitution is changed.

This is true because of the constitutional provision that Congress shall have exclusive legislative power for the seat of government and because the President names judges and certain administrative officials for the District. Every home rule bill, so-called, recognizes that final legislative authority resides in Congress; and, for that reason, every such bill carries language to make clear—

that Congress can override, amend, or repeal any act or ordinance by the local council.

Conversely, a vote on presidential electors and delegates in the Congress will give residents of the seat of government a voice in their real government and anything less than that will not do so.

The remedy is simple: by constitutional amendment give the people of the District of Columbia the right and the means to vote for presidential electors and for representation in the Congress.

Since our method of electing President and Vice President is by means of an electoral college based upon representation in Congress, the simple way is to provide for the election of presidential electors equal to the number of electors that the District would be entitled if it were a State.

The interest in the community is running at an all-time high for this proposal. This is no doubt stimulated by the fact that this is a presidential election year and the genuine hope that something will be done this year. The dedicated efforts of countless organizations and the very perceptive articles and editorials in the Washington newspapers have provided a much needed clarification of the issue—clearly distinguishing it from the longstanding home rule issue. This is the time for action on this amendment.

The approval of House Joint Resolution 529 will be a big step toward the elimination of the ironic voteless status of the District of Columbia residents. However, let me add that I wholly endorse the amendment package which the Senate passed and would hope that all three propositions will receive favorable action and be submitted to the States for ratification.

Sincerely yours,

FRANCIS CASE, *U.S. Senator.*

Senator CASE. Not only has the Government which preaches self-representation, votes for people who are taxed, not only for that should we give the people of the District of Columbia a voice in their Government, but we owe it to them also because there are so many people in the District of Columbia who, by virtue of public service, or who by virtue of military service in behalf of this Government, have demonstrated their great interest, their great contribution to our country. I think they are entitled to a vote.

The mechanics is a problem that I am sure your technicians will work out. I do hope that you can take the Senate number in any event, whatever text you may use; whether or not this Judiciary Committee wants to preserve all three features of the Senate bill, that of course is for you to determine.

The CHAIRMAN (presiding). Would you suggest taking the Senate bill and striking all after the enacting clause and inserting this constitutional amendment with reference to the ballot for the Federal elections in the District of Columbia?

Senator CASE. I do, Mr. Chairman, because then if it goes back and goes to conference it will go to the Judiciary Committee. The conference would be between the Judiciary Committees in both instances, I assume. In any event the Senate would have been on record on this particular matter.

The CHAIRMAN. Will there be any trouble—I don't like to ask this, and you will forgive me—will there be any difficulty in that regard with reference to the Senate Judiciary Committee?

Senator CASE. I don't think so; because the Senate has already voted on this matter by a large vote. I don't pretend to advise the House, or the House Judiciary Committee, what you might do on the other two parts of the bill, although I voted for them, I supported them both. I would like to see them survive.

But certainly the House itself is the best judge as to whether or not you want to provide a special method of selecting successors in case of

a disaster that would wipe out a majority of the members. Certainly the House itself should have the last word on that. I feel that the Senate would gladly accord whatever you want on that.

I would like to see the other part survive, too. But that again is up to you. But this is the one chance, this is the first time we have ever been in this position, where the people in the District of Columbia could be accorded a voice in their government. And I say their government advisedly also, because the Constitution in another place, you will recall, makes the Congress the body with the exclusive legislative jurisdiction for the District of Columbia.

Every single home rule bill that I know anything about, those that have passed the Senate and others that have been proposed, everyone of them explicitly recognizes that Congress is the last word on legislative authority. And though they set up a local home rule body, they all provide that the constitutional superiority of the Congress can operate, can repeal, can change, any ordinance passed by a local home rule body. So that here, if you give the people of the District of Columbia a voice in the Congress, a voice in the selection of the electors who will select the President of the United States, who appoints the Commissioners, you are giving the people of the District of Columbia a voice in their government, in their ultimate government.

So with all the earnestness I can muster, I do commend the proposition to you and leave it to you to work out the technical situation or the adaptation or reconciliation of the several versions of the constitutional amendment.

The CHAIRMAN. Thank you very much, Senator. We always like to have you come back here and give us your sound counsel and advice. Senator CASE. Thank you very much.

The CHAIRMAN. I remember with nostalgia your presence with us. Mr. Meader?

Mr. MEADER. Senator Case, yesterday when Senator Morse was here, he expressed himself as favoring or at least being amenable to representation by the District in the Senate of the United States. Do you have any views on that?

Senator CASE. Congressman Meader, and Mr. Chairman, I have been a Member of either the House of Representatives or of the Senate for almost a quarter of century. I say that merely as prefatory to saying this: Experience has taught me that if you want legislation, you have to deal with practical situations. I think if this committee were to tack on provisions for senatorial representation to this constitutional amendment at this time, and it went back to the Senate at this time, when we have spent eight weeks on the question of civil rights, which has largely resolved itself to a voting question in elections, that it would sound the death knell of the constitutional amendment for this Congress. If you want to kill it in this Congress, tack on some provision that would add some additional feature of that sort.

The CHAIRMAN. Senator, we have had some——

Senator CASE. And I don't say that because I am opposed to it. I say that as a practical matter. I think to do that would kill the bill at this time in the Congress.

The CHAIRMAN. Perhaps you are right. We had on occasion as high as 15 Delegates to the House during the old days when we had

the Federal Territories out West. But we never had any Delegate to the Senate. I don't see why we should start that practice now.

Senator CASE. It would certainly raise grave issues about States rights, it would raise grave issues about State sovereignty and other things, at least issues which would precipitate a debate in the Senate, and would either mean that the bill would never come up from conference or would never get anywhere, certainly not at this session when feelings are a little sensitive in the Senate as it is.

The CHAIRMAN. Thank you very much, Senator.

Our distinguished Senator from Minnesota is here, Mr. Humphrey. We are always very happy to hear from you.

STATEMENT OF HON. HUBERT H. HUMPHREY, U.S. SENATOR FROM THE STATE OF MINNESOTA

Senator HUMPHREY. Mr. Chairman, first of all I want to thank you and the committee for affording me this privilege to testify with reference to House Joint Resolution 529, which would grant to the citizens of the District of Columbia the right to elect Delegates to the House of Representatives and presidential electors. This is a very timely resolution and the chairman and the committee are to be congratulated.

I say timely because, as we all know, the attention of the Nation and the Congress has been upon the subject of civil rights, and that has finally culminated in a discussion mainly of voting rights, so that this resolution fits within the context of the concern of the Congress at this particular moment, as well as the concern of the Nation.

A similar resolution, which I wholeheartedly supported, has been approved, as has been noted here, by the Senate. This particular resolution, if it can be approved promptly, will have an opportunity to be adopted by both the House and the Senate and signed by the President.

Mr. Chairman, I have a statement which I will ask to have made in its totality a part of the record, and then I want to say a few more words informally, if it is agreeable with the chairman and the committee.

I emphasize the importance of voting rights at this time. My colleague from South Dakota, Senator Case, who just preceded me, properly noted the significance of our world leadership and the emphasis that we place upon representative government and voting rights. Therefore, I believe that your resolution, House Joint Resolution 529, can be properly termed good and sound domestic policy, and vital to our foreign policy.

I think this will do us as much, or more, good as some of the large appropriations that we make for foreign policy. It gives us a chance to come before the world with clean hands.

This denial of the right to vote in the District of Columbia, particularly in these national elections, is really a form of colonialism. If there is anything that America doesn't want on its good name, it is any stigma of colonialism. This is taxation without representation. The fact that the Capital City of the greatest nation on the face of the earth totally denies the right to vote in any and all elections, and

national elections in particular, is really one of the ironical circumstances of our national history.

It is a paradox. The loudest voice in the world for the right to vote comes from Washington, and the deathly silence of no votes comes from Washington.

So I would suggest that we clear up this rather confusing and embarrassing paradoxical situation.

Mr. Chairman, the only reason that people are denied the right to vote here is not because of any discrimination on the basis of race, national origin, color, or creed, but just geography. The only way that this geographical set of circumstances can be corrected, in my mind, is by a constitutional amendment. The road has been cleared now for action. The machinery is well organized to get some action. I happen to believe that the residents of the District of Columbia do not deserve to be treated as second-class citizens, and I am sure that the United States doesn't deserve to have the reputation of denying a substantial number of its finest citizens an opportunity to be heard at the ballot box.

I am confident, Mr. Chairman, that if you promptly approve this resolution and follow some of the suggestions which have already been made to you in terms of getting this resolution into conference with our colleagues from the Senate, that the States will promptly ratify it.

I am absolutely sure that there is a willingness amongst the people of the United States and the legislatures of the States to promptly ratify any proposal that would come from this Congress to give our fellow citizens in the District of Columbia the rights that we have in our respective States.

That, sir, is my statement.

The CHAIRMAN. Are there any questions?

Mr. McCULLOCH. Yes, sir; I would like to ask the Senator one question.

Senator Humphrey, do you believe that this principle should be extended to qualified citizens wherever they may live? For instance, in Puerto Rico, the Virgin Islands, Guam, and other territories or possessions of the United States?

Senator HUMPHREY. That is my personal belief. I would say in all candor, however, that I hope we will stay with this resolution. I believe that the right to vote is a sacred right of every free citizen and ought to be protected.

Mr. McCULLOCH. The principle is an abiding one which you believe should follow every qualified American citizen wherever he may be, in any territory, possession, or commonwealth?

Senator HUMPHREY. Absolutely. To be an American citizen is the greatest honor in the world. With that honor should come the responsibilities and the privileges of full citizenship.

The CHAIRMAN. But you also agree, despite the fact that that principle is sound, that in order to get something done we can't freight this bill down with too many provisions. If we add, for example, that this right should be accorded to the citizens of Samoa, Wake Island, Guam, Puerto Rico, and the Virgin Islands, and the other territorial possessions, we might run into a great difficulty and bog down and get nothing.

Senator HUMPHREY. Yes, sir. Mr. Chairman, I want to say that I am prepared to support, as one individual Senator, the right to vote for every person who bears the honor and the responsibility of American citizenship.

I have not served in the Congress as long as some of you, but the length of time that I have served here, with the enthusiasm to which I sometimes direct my energies, I find out that you can overbite and you had better proceed on the basis of what you believe that you can accomplish. I believe in pushing that as far as it is humanly possible.

What I would hope is that in light of the action of the Senate, in which we have set up three provisions for constitutional amendments—the appointment of Congressmen, in case of national disaster; the elimination of the poll tax; and the granting to District of Columbia citizens the right to vote in presidential elections and to elect Delegates to the Congress—to take that Senate action and then take your action over here and go to conference, we will be able to come out of the 86th Congress with something that is constructive. I would hope that a similar resolution could be introduced for the other territories and areas that are under the jurisdiction of the United States where American citizenship pertains thereto.

But I would suggest that we move on this front while we have this chance, because this Congress is going to adjourn some time in early July. I want to see this on the ballot as soon as possible as a constitutional amendment.

The CHAIRMAN. Thank you very much, Senator. We appreciate your coming over. It is very remarkable that so many Members of your body come over here and give us the benefit of good counsel.

Senator HUMPHREY. Thank you. May I suggest that possibly we come over here just to participate in the process of osmosis, getting the good counsel even if it only comes by the orientation of your presence.

The CHAIRMAN. We get things done over in this committee. Maybe it is well for you to come over here and take a leaf out of our books.

Senator HUMPHREY. I think you are right. I have enjoyed it this morning, Mr. Chairman.

Thank you.

The CHAIRMAN. Thank you very much, Senator.

(Statement of Senator Humphrey follows:)

STATEMENT BY SENATOR HUBERT H. HUMPHREY IN SUPPORT OF A PROPOSED AMENDMENT TO THE CONSTITUTION DESIGNED TO GRANT CITIZENS OF THE DISTRICT OF COLUMBIA THE RIGHT TO ELECT DELEGATES TO CONGRESS AND PRESIDENTIAL ELECTORS

Mr. Chairman, I appreciate very much being afforded this opportunity to express my support for the proposed amendment to the Constitution, House Joint Resolution 529, which would grant to citizens of the District of Columbia the right to elect Delegates to the House of Representatives and presidential electors.

A similar resolution, which I wholeheartedly supported, has already been approved by the Senate. You are to be commended for offering this resolution and for promptly calling hearings.

The timing could not be more appropriate in view of the current consideration by the Congress of civil rights legislation. The heart of the civil rights bill is protection of voting rights. It is apparent that a great majority of the Members of Congress believe it is wrong to deny any American citizen his right to vote because of color or race.

We should be just as concerned about the fact that right here in the District of Columbia citizens are completely disfranchised—not due to race or color, but due to geography. Washingtonians cannot vote for councilmen, for a mayor, for a Congressman, or for a President.

Mr. Chairman, such a state of affairs is inexcusable and indefensible. It is incompatible with our expressed beliefs in a democratic form of government. It is time that we took steps to end this deplorable situation. Let us set the record straight and get our own house in order.

Residents of the District of Columbia do not deserve to be treated as second-class citizens. Yet that is exactly how they are treated. We make them pay full Federal taxes. We draft their young men in time of war or national emergencies. Yet we say to these same people that they cannot vote in congressional and presidential elections.

The people of the District deserve better treatment. We have an obligation to correct the present inequities. This resolution is a step in the right direction.

In conclusion, Mr. Chairman, I congratulate you for offering this resolution and I sincerely hope that before Congress adjourns this year this constitutional proposal will be agreed upon by the House and Senate and signed by the President of the United States so that it may be referred to the several States for their ratification.

The CHAIRMAN. We have another distinguished Member of the other body, the distinguished gentleman from West Virginia, a former Member of the House, who is also very welcome here, Senator Jennings Randolph.

STATEMENT OF HON. JENNINGS RANDOLPH, U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Senator RANDOLPH. Mr. Chairman and members of the subcommittee, it is my personal pleasure and my official privilege to testify this morning and to remember my association with the eminent chairman of the Judiciary Committee of the House of Representatives.

Mr. Chairman and members, my interest in the substance of the legislation being considered antedates my membership in the House of Representatives. I came to the House in 1933. Prior to the time when I actually was privileged to vote in a presidential election, which for the first time was 1924, I had visited the Nation's Capital on many occasions, being a guest in the home of my relatives who resided in this jurisdiction. And even in the 1920's I had been impressed by the feeling on the part of these good folk that they were being denied not only the opportunity but the responsibility of participation in the public affairs of the Government to which they contributed taxes and citizenship.

I think, Mr. Chairman, that it is more than a strange anomaly. I think it is a tragic paradox for the Capital of the United States, a country which stands, I am sure, before the world as a symbol of representative government, that all rights of voting are denied to the citizens of the District of Columbia.

Mr. Chairman, it impressed me in my years of teen age, as it impresses me this morning, as being a contradiction of the very principles of government which no one can properly defend, and for which I am sure this subcommittee desires to fashion a remedy.

Mr. Chairman, my concern on this subject increased during my 14 years in the House of Representatives, all of those years having been marked by membership on the District of Columbia Committee, and half of that number of years as the chairman of that committee.

It was 22 years ago that I was privileged to introduce House Joint Resolution 564 in the 75th Congress. In its third session, we sought to amend the Constitution of the United States on this vital subject matter. The thought behind the amendment was to bring to fruition two worthwhile purposes. It would have conferred on the Congress the power to establish a republican form of government for the District of Columbia, with that government so created as to establish and exercise such legislative and executive and judicial functions as the Congress in its wisdom would determine.

That resolution also would have provided for representation of the citizens of the District of Columbia in the Congress and in the electoral college; representation in the House to be determined by population and, very frankly, because reference has been made in colloquy this morning by Chairman Celler and Senator Case, it would have provided for Senators serving also in the legislative body as the Congress, in its judgment, might wish to prescribe.

Mr. Chairman, the Senate of the United States has already enacted at the current session the proposition pending before the House of Representatives. That legislation is conceived upon the theory that the Congress can establish elective municipal government without amending the Constitution of the United States.

Mr. Chairman, regardless of the final outcome on the home rule concept, either in this Congress or in a succeeding Congress, I have felt, and I express it vigorously this morning, that the citizens who are resident here at the seat of our National Government can never be admitted into a true and a full citizenship in their Republic until they are provided voting representation in their sovereign Government of the United States.

It is my belief that the weight of legal authority would go to the proposition that amendment of the Constitution is a prerequisite to giving these men and women such basic rights within the District of Columbia.

Mr. Chairman, this is not a gratuitous statement. I see the portrait this morning of a former distinguished representative from Texas who was the chairman of the Judiciary Committee. It was my privilege and my honor to be associated with him in joint sponsorship of an amendment to the Constitution which, with certain variables and differences of approach, intended to prescribe the objectives of the measures pending before this subcommittee. That resolution had an enabling amendment which would have given to the Congress the power to provide that there should be in the Congress and among the electors of the President and the Vice President, members elected by the people of the District in such numbers and with such powers as the Congress would determine.

I think that perhaps it is appropriate to recall that the resolution to which I have made reference received a favorable action by the House Judiciary Committee. It was amended in the committee, however, to provide for representation in the House of Representatives.

It failed to pass the Rules Committee, and it never came, therefore, to a vote in the House. I believe that had the members of the House been accorded a voice on that subject, they would have overwhelmingly approved it.

It was my privilege on February 14, 1945, to support another resolution for a constitutional amendment which I was privileged to cosponsor with Judge Sumners. I shall not discuss details of that resolution except to say that it is a distinct honor for me to testify before this subcommittee on substantially the same subject matter as we were testifying on in the early and the middle 1940's.

This has been a continuing battle, and I use the word advisedly.

We have had in the past few months the visit of Premier Khrushchev to the United States and to the Nation's Capital. I think it is ironical, Mr. Chairman, that the citizens of this city, the Capital of the Republic, have less direct voice in their Government than do the people in Moscow.

In the Soviet Union there is an election conducted for the people if not actually by the people. Even in that country the electorate can vote for one party, or one so-called slate of candidates. In the District of Columbia, however, the citizens who are born here—men and women who cannot establish a legal residency in any State and who have lived their lives within this jurisdiction—have no opportunity to vote, and cannot exercise the right and the responsibility of balloting for either the President or the Vice President of the United States.

Mr. Chairman, this is wrong. I think time is running out on us, because we have failed to remedy this defect in our majestic pattern of representative government.

We recently admitted to full and sovereign statehood Alaska and Hawaii. Their admission to the Union was the subject of congratulatory statements by Members of the Congress of the United States. And now we have colleagues in the Senate and in the House who are representative of those jurisdictions.

I ask the chairman of this committee and his fellow members: Is it not a strange paradox that in the affairs of our country, which includes the 170,000 civilians of Alaska now represented in the Congress by two Senators and one Representative—is it not a strange paradox that the civilian population of Hawaii, approximately 585,000, is represented by two Senators and one Representative—and I enthusiastically supported the admission of Hawaii; I was not here in the Senate to vote upon the admission of Alaska—while the approximately 875,000 Americans residing in the District of Columbia have no voting rights? Yet their number exceeds the combined populations of Alaska and Hawaii.

I ask you again: Is this right? I am sure you would agree that it is wrong.

Mr. Chairman, I have today the opportunity of expressing not only for myself but for Representative Ken Hechler, of West Virginia, our belief in the validity of this legislation. At a breakfast of our West Virginia delegation earlier this morning my able colleague from the Fourth West Virginia District told me of his feeling on this principle. He has found it impossible to change a prior commitment. He asked me to express his affirmative position at this time in regard to national representation and participation in voting for the President and Vice President of the United States by citizens of the District of Columbia.

We need to grant to the citizens of the District of Columbia the coveted opportunity and the significant responsibility of exercising this franchise of freedom, and this working citizenship. I hope we will do it, frankly, before it is too late. As I have indicated many, many times before, this matter can and should be resolved affirmatively.

I trust that in this second session of the current Congress, both the Senate and the House will act on the substance of the subject matter being considered, and that we will have the opportunity to extend to the people of the District of Columbia these vital voting rights. Perhaps we can best approach this objective through a constitutional amendment.

In West Virginia there resides a man who told me only a few days ago, at the age of 99, that he had never missed a single vote which he had the responsibility to cast since he became 21 years of age. His name is Charles L. Watkins, and he lives at Shinnston, W. Va. And now, at the age of 99, health permitting, he will vote again in the West Virginia primary on May 10, and in the general election in West Virginia in November of this year. He knows, as Jennings Randolph knows, and as Ken Hechler knows, that in this country we can drift into a dictatorship. We can even dive into it, if we think it is enough to speak of citizenship without practicing it.

I speak of no party when I say that we can lose democracy by default. And if there is an erosion or a lack of participation in any part of the body politic of this country, it has a deteriorating influence upon another section of America.

I hope that the forfeiting of freedoms will not continue for the men and women of the District of Columbia.

Mr. Chairman, I appreciate the courtesy and the attention which I have been given.

The CHAIRMAN. Thank you.

Our distinguished colleague, Mr. Meader, has a question.

Mr. MEADER. Senator Randolph, this committee will have a responsibility before the Rules Committee and before the House to defend whatever specific piece of legislation this committee reports. I have had several questions in my mind during these hearings and I have been waiting for someone that I thought was well informed on this subject, and I know of your long interest in it and that you have studied all facets of it. There are a few questions I would like to get the benefit of your experience and your study on.

Senator RANDOLPH. Thank you, sir.

Mr. MEADER. I will start out by saying that my natural inclination is to be reluctant to amend the Constitution without very careful thought. When we bear in mind that the first 10 amendments, the Bill of Rights, are regarded as a part of the original Constitution, the Constitution has been successfully amended only 12 times in our history, and one of those amendments, the 21st, repealed a previous amendment, the 17th. Even the 22d amendment, the most recent one adopted, is now under attack and proposals have been seriously advanced to repeal it. Thus, over the course of our history the Congress has been very reluctant to propose amendments to the Constitution. There have been five other amendments proposed by the Congress which were not ratified by the States.

My first question is this: Is there any avenue of accomplishing this objective of universal suffrage, short of amending the Constitution? I am going to suggest two ways that it could be done by statute, and a third, possibly.

First of all, I suppose, under our rights to admit States, we could admit the District of Columbia as a State. That is correct, isn't it?

Senator RANDOLPH. That is correct. And I would not advocate that course. Will I break your continuity?

Mr. MEADER. I want to ask you one by one.

Senator RANDOLPH. I would not advocate that course because this is a Federal City, and I think the Federal City is different in its conception, and in its intention, than a State. I would say, therefore, that I believe there is not an analogy which is a correct one in connection with this proposal, although certainly it has its adherents.

Mr. MEADER. That could be done by statute. The point I am trying to get at is what we could do by statute, short of amending the Constitution, and that certainly is one avenue open to the Congress.

Senator RANDOLPH. You are certainly correct.

Mr. MEADER. You have studied that and rejected it as not being appropriate because of the nature of the District of Columbia; is that correct? Because it is a Federal City?

Senator RANDOLPH. Yes, that is the basis on which I make the differentiation.

Mr. MEADER. The second thing we could do would be to do with that portion of the District on the Maryland side of the Potomac River the same thing we did in 1846 with the Virginia side of the District of Columbia: Cede it back to the State of Maryland. We could do that by statute.

Senator RANDOLPH. Yes.

Mr. MEADER. We did in the case of Virginia.

Senator RANDOLPH. Yes.

Mr. MEADER. Have you examined that approach to solving this problem of giving the vote to the District residents?

Senator RANDOLPH. Yes.

Mr. MEADER. What do you find wrong with that?

Senator RANDOLPH. A further thought has come to me on your first inquiry. May I say that in connection with the Federal City, I think that the people of the United States should help to determine whether this legislation is to become law and in effect because it is the Federal City. And, therefore, the States, through their citizens, should help to determine the question. That is a further reason why I believe there should be a constitutional amendment.

Mr. MEADER. While we are on that subject, if the Congress should adopt House Resolution 529 and it were a possibility that Congress might give voting representation in the House of Representatives to the residents of the District, it is estimated that there would be two or three Congressmen from the District, voting Congressmen from the District of Columbia.

We are coming up on this 1960 census, as a result of which many States, if we adhere to the 435 number in the House of Representatives, are going to lose representation. If there are three additional Congressmen to come from the District of Columbia they are going to have to be taken away from the representation that States now have.

Do you think that that is likely to result in State legislatures being reluctant to ratify this proposed constitutional amendment?

The CHAIRMAN. Will you yield?

Does the gentleman assume that the States have expressed reluctance to ratify?

Mr. MEADER. No. I was asking the gentleman, because of his familiarity with this subject, whether he thought that in view of the fact that voting representation in the District of Columbia might mean three Congressmen, that the State legislatures, particularly in those States that are already losing congressional representation, might be reluctant to ratify this amendment.

Senator RANDOLPH. Certainly I think that is a very pertinent inquiry because I come from a State which presumably will lose one representative, according to the latest census figures. So, rather than have the present six Representatives from West Virginia in the House, we will perhaps have five Representatives.

The CHAIRMAN. May I interrupt? Forgive me. This bill does not provide for Members of Congress. It provides for Delegates. The Delegates would not be considered when a numerical count is developed as to the number of Congressmen each State shall be entitled to. It has nothing to do whatsoever with that.

Senator RANDOLPH. I was only answering the inquiry of your colleague in reference to this matter. I was simply saying, if I may be permitted to speak further to the point, that in West Virginia I do not believe that our legislative body would look upon this as a deterrent to an approval.

The CHAIRMAN. Frankly, I don't think it is pertinent to this inquiry at all. The question of Congressmen is not involved here. This is purely a question of Delegates who do not have the right to vote. They might have a right of expression, that is all, and they are not considered in the numerical count as to the number of Congressmen that shall be allotted on the basis of census to the individual States.

Mr. MEADER. That might be true if they were nonvoting Delegates. But if we were to limit the voting membership of the House, whether you call them Congressmen or Representatives or Delegates, to 435 Members, and we were to give those Delegates from the District of Columbia the right to vote, it might very well result in a further reduction of existing representation from the States.

The CHAIRMAN. That would be so if the bill were to provide for the granting to the District of Columbia two or three Congressmen. That is not the case. This bill doesn't do anything of the sort.

Mr. MEADER. But it enables Congress to do that. This bill would enable Congress to do that.

The CHAIRMAN. We will cross that bridge when we come to it. That is not in this particular discussion now. I am quite sure the gentleman from Michigan wouldn't want at this juncture to give the District of Columbia the right to have Congressmen.

Let's try this out as Delegates first and see how it develops.

Mr. MEADER. With respect to the second statutory route—

Senator RANDOLPH. The Maryland acquisition. I would feel that that would not be an appropriate or popular way in which to approach this matter.

I wouldn't want to see the District of Columbia an appendage, as it were, of any State, be it Maryland or Virginia or any contiguous territory separated by the Potomac.

Mr. MEADER. From your discussion over the years with people in the District and your familiarity with the status of public opinion in the State of Maryland, would it be your statement that neither the District residents nor the residents of Maryland would desire any such retrocession?

Senator RANDOLPH. Representative Meader, I would not presume to speak for the people of either the State of Maryland or the District of Columbia on this matter, except to say that I am sure that the bulk of testimony which has been given for a quarter of a century and more would indicate that this is not a popular idea—that is, the proposal to add the District to a State.

Mr. MEADER. Repeatedly, it has been said that this must be done by constitutional amendment. But I as yet haven't seen any briefing of that point, that the Congress could not accomplish what is here sought to be accomplished by statute.

Have you either briefed the point yourself, or are you aware of any briefing of the point that this cannot be accomplished by statute in the form essentially proposed in this constitutional amendment?

Senator RANDOLPH. I don't believe that the Congress of the United States would do what is proposed to be done here, except by constitutional amendment. After having talked with many Members, it seems clear to me that we would not have approval, except through the procedure which I have advocated.

Mr. HOLTZMAN. Would the gentleman yield?

Mr. MEADER. I will yield.

Mr. HOLTZMAN. Senator, suppose we leave the question of whether or not these Delegates have or do not have the right to vote. There may be some question on that. Would your thinking be any different, even assuming that a State might lose a Representative; would your thinking be any different with respect to representation for the District of Columbia?

Senator RANDOLPH. Representative Holtzman, I believe there would be no disposition on the part of a State to fail to recognize that if we have the Representatives chosen on the basis of a population pattern, although it varies, to look with disfavor upon the recognition of an actual population within the District of Columbia.

Mr. HOLTZMAN. In other words, the philosophy would be identical, and if one State lost a Representative, in your opinion, with respect to your State you would have no problem?

Senator RANDOLPH. I cannot believe there would be a problem, because, by the same token, another State is gaining a Member, we shall say, through a population increase.

Mr. MEADER. Senator, I just want to be sure on this last question that I asked you, about the existence of a brief on why this must be done by constitutional amendment rather than by statute.

Let's say, first, it is clear that a nonvoting Delegate could be provided for the District of Columbia by statute, without a constitutional amendment. Isn't that true?

Senator RANDOLPH. That is true.

Mr. MEADER. To your knowledge, have you made a legal analysis of this question, or do you know of anyone else who has briefed the question of whether or not voting can be provided for the District of Columbia for the presidential electors and for a Delegate without amending the Constitution?

Senator RANDOLPH. I feel certain—

Mr. MEADER. Your answer was that you didn't feel Congress wanted to do it that way. Is there a legal brief, to your knowledge? I haven't seen it.

Senator RANDOLPH. I am not sure it exists per se. But I do believe the former chairman of this committee, Representative Hatton W. Sumners, of Texas, went into that very thoroughly, and I believe he compiled lists of statutes and legal opinions which would seem to indicate that there should be a constitutional amendment.

Mr. MEADER. Thank you.

The CHAIRMAN. I want to get one matter clear. Under the wording of the amendment now, Congress would have the right, would have the power, to grant the vote in the Congress to the Delegate. It is left discretionary with Congress in future Congresses?

Senator RANDOLPH. That is correct.

The CHAIRMAN. Thank you very much, Senator.

Senator RANDOLPH. Again, I appreciate the courtesy.

Mr. McCULLOCH. Mr. Chairman, in view of the last question and the last answer, and in view of the interest that was exhibited by several of our colleagues in the committee yesterday about possible representation in the U.S. House of Representatives, with full power, which, of course, would include the power to vote, I think the record at this place should show that there is no disposition, at least on my part, to permit a representation in the House of Representatives in the United States of America which might, in effect, give double representation to certain individuals. In that connection, I would like to refer to paragraph 30 of the Enumerator's Reference Manual, "1960 Census of Population and Housing," which apparently was issued by the U.S. Department of Commerce, Bureau of the Census, on the 31st day of December 1959, as implemented by their official release which is entitled "Summary Table of Usual Places of Residence."

Even at the risk of taking more time than I should in the limited time we have, I want to read this paragraph 30. I quote:

(a) Persons who work away from home most of the week but come home for weekends should be enumerated as residents of the units where they live most of the week.

(b) A few persons may have several homes. For example, a winter home in Florida, an apartment in New York City, and a summer home in Maine, each of which could be "usual residence." In such a case the usual residence is the place in which the person spends the larger part of the calendar year. He should be enumerated there. Note, however, that persons who spend the year moving from one resort hotel to another with the seasons have no usual place of residence and are, therefore, enumerated where found.

Mr. Chairman, if there are people who have a residence, not a legal domicile, in the District of Columbia, but do have a legal domicile and who vote in any one of the various States, they should, of course, not be counted, nor should the members of their household who are minors be counted as residents of the District of Columbia in deter-

mining the number of delegates, representatives, or whatever you want to call them, in the U.S. House of Representatives. I want that statement in the record at this time so that later on we will not be confronted by a condition where a person in effect has two votes as a citizen of the United States, or two voices in the House of Representatives of the United States.

The CHAIRMAN. We have with us our distinguished colleague from West Virginia, Representative Ken Hechler.

We will be glad to hear from you.

I will ask you and all the other witnesses to be brief. We have 20 more witnesses. We want to conclude these hearings today.

STATEMENT OF HON. KEN HECHLER, REPRESENTATIVE IN THE CONGRESS OF THE UNITED STATES, FOURTH DISTRICT, STATE OF WEST VIRGINIA

Mr. HECHLER. Speaking as a political scientist who has long personally advocated voting rights for the citizens of the District of Columbia in presidential elections, along with an overwhelming number of my professional colleagues, I simply want to say it is an honor to have a front seat observing your committee getting this constitutional amendment off the launching pad. Thank you very much.

Mr. McCULLOCH. Mr. Chairman, I would like to ask our colleague one question.

Are you interested in the principle being implemented for qualified American citizens, wherever they may be, in territories, possessions, or commonwealths of the United States of America?

Mr. HECHLER. I agree with that principle. However, I believe it would be unfortunate to load this particular resolution down with such a broad application. I want to see this amendment go through as quickly as possible.

Mr. McCULLOCH. I understand that, Congressman Hechler. But I also understand that you think that the principle should apply for qualified American citizens wherever they may be residing, in the territories or possessions of the United States.

Mr. HECHLER. I support that as an eventual principle which I hope will be applied at some future time.

Mr. McCULLOCH. Is there any reason why it should not apply any place in the United States at this time, aside from the statement of conditions which you made with respect to this proposal?

Mr. HECHLER. I would like to see this resolution get through as fast as we can.

Mr. McCULLOCH. I understand that. Let's pass on from that.

Is there any reason why this principle which you have embraced should not be implemented for qualified American citizens wherever they may be in the possessions of the United States?

Mr. HOLTZMAN. Other than the practicalities of the present situation.

Mr. HECHLER. I certainly subscribe to that.

Mr. McCULLOCH. And wherever it may be, don't you believe that this same privilege should be given to those citizens as are given the citizens or residents of the District of Columbia?

Mr. HECHLER. I do, Mr. McCulloch.

The CHAIRMAN. Thank you very much.

At this point we will insert a statement from Hon. John V. Lindsay, a distinguished Member of the House of Representatives and of this committee.

(The statement follows:)

STATEMENT OF HON. JOHN V. LINDSAY, A REPRESENTATIVE IN CONGRESS FROM THE 17TH CONGRESSIONAL DISTRICT OF THE STATE OF NEW YORK, ON HOUSE JOINT RESOLUTION 529

Mr. Chairman, I am grateful to the subcommittee for the opportunity to place myself on record in support of House Joint Resolution 529 proposing an amendment to the Constitution which will grant representation in the House of Representatives and in the electoral college to the District of Columbia.

When the District was first created by cession of this tract by the States of Maryland and Virginia, it was little more than a marsh. Today the Federal City has a population of some 850,000 residents. This subcommittee has repeatedly heard the comparative statistics showing that this city has a population equal to or larger than several States and that the tax revenue from the District exceeds that of 25 States.

The vitality of this city stems from its residents regardless of the fact that the principal industry of this city is Government. Our concern is with these residents who are American citizens. As such they deserve the rights and privileges of all Americans.

It should require no argument that the opportunity for our citizens to manifest their preference at the ballot box is the very essence of a democracy. Any argument to the contrary can only be transitory and superficial. The premise of a government by consent of the governed cannot be qualified or compromised.

I urge my colleagues on the Judiciary Committee to reassert this premise by allowing the District of Columbia full voice in the electoral college and national representation in the House of Representatives.

STATEMENT OF CHARLES PATRICK CLARK, ESQ., ATTORNEY AT LAW, WASHINGTON, D.C.

My name is Charles Patrick Clark. I have been a member of the District of Columbia bar for nearly a quarter of a century and a member of the District of Columbia Bar Association for the same period of time, having served as chairman of the original Committee on Legislation of the District of Columbia Bar Association. I have also been a resident and domiciliary of the District of Columbia for 28 years.

I am appearing before your subcommittee as a member of the District of Columbia bar and also a member of the Citizens Joint Committee on National Representation for the District of Columbia.

I appreciate the invitation and opportunity of speaking before this subcommittee and its distinguished chairman, Congressman Emanuel Celler.

I join with others in congratulating Congressman Celler for sponsoring House Joint Resolution 529, as well as other Members of both the House and Senate who have an awareness of the terrible voteless plight we residents of the District of Columbia find ourselves in, due to the neglect or oversight on the part of our forefathers in failing some 160 years ago to provide future voting rights for residents of the Federal District, thereby reducing us to the status of a satellite with all its attendant social misery and afflictions.

I am in favor of the passage of House Joint Resolution 529 with certain possible revisions which I respectfully ask the subcommittee to consider.

As a matter of fundamental constitutional principle, it was never intended by the Founding Fathers to limit suffrage to any of our citizens on any ground such as race, creed, color, sex, or geographic position.

The fact that the framers of the Constitution gave no deliberate consideration to voting rights for citizens of the District is not surprising, since the District was not in existence when the Constitution was drafted and the section was then sparsely populated. A study of the writings of our leading statesmen at the time this fundamental instrument was being promulgated discloses that it was not their intention to deny the District such rights. The denial stems, apparently, from an oversight or omission on their part, for nowhere in the Con-

stitution is there an express prohibition against voting by residents of the District; it is just that the Constitution simply does not, by specific language, provide for the right.

At the time the Constitution was being considered in Philadelphia in 1787, James Madison wrote in *The Federalist* (No. 43) that the inhabitants of the new Federal City should "of course * * * have their voice in the election of the Government which is to exercise authority over them." Under these circumstances, it is hard to accept the proposition that absence of a right expressly spelled out is tantamount to deliberate exclusion or a waiver of such right on the part of the citizens involved.

The citizens of the District were originally voting citizens. After the land was ceded to the Federal Government, the people therein continued to vote for some 10 years. It is difficult to conceive that the mere transfer of jurisdiction could strip a large segment of our citizens of so basic and fundamental a right. It is equally inconceivable that such a right should have been ignored by those charged with the responsibility.

Every right-thinking moralistic citizen, whether from the District of Columbia, or Pocatello, Idaho, or Montank Point at the tip of Long Island, or from the Pacific Northwest, should in principle be in favor of this legislation simply because it is morally and legislatively sound. It appropriates in a sense that which was expropriated from the citizens of the District of Columbia 160 years ago without so much as a semblance of a hearing.

Our American heritage, the right to a voice in one's government by way of voting rights, should be applicable to every citizen of the United States. This legislation proposes to give us a partial voice in our Government which indeed is a step in the right direction.

While we are in full accord with the substantive features of House Joint Resolution 529, we do not share the view of some of the witnesses appearing before this committee, that the end sought can be accomplished only by constitutional amendment. I say this despite my belief that a poll conducted at the present time would show an overwhelming majority of the citizens in the United States favoring the legislation.

We lean to the proposition that Congress has the inherent constitutional authority to grant voting rights and Delegate representation to the District by Federal statute; this would require a simple majority vote and would obviate submitting the legislation to the legislatures of the 50 States, thereby avoiding a needless waste of the taxpayers' money as well as avoiding an unnecessary and uncalled for delay in granting vote-starved citizens of the District of Columbia a partial right of suffrage which is intrinsically a natural right.

Congress possibly could grant suffrage and representation in the House of Representatives in any of the following three ways:

1. By making the District of Columbia a State. We invite the chairman and the subcommittee members' attention to article IV, section 3 of the Constitution which gives Congress outright authority to admit a new State into the Union, without a constitutional amendment, as witness the two recently admitted States of Alaska and Hawaii. Mere logic and commonsense would impel one to conclude that if Congress has the specific authority to admit a new State with all the constitutional privileges and immunities incident to such citizenship including voting privileges, most certainly Congress has the implied authority to grant the benefits set out in House Joint Resolution 529 without submitting such legislation to the States for ratification. To those who might argue that the District of Columbia is within the geographical limits of Maryland and take refuge in the same clause which provides that no new State shall be formed or erected within the jurisdiction of any other State, it need only be pointed out that an act of Congress, plus the consent of the State of Maryland, could make possible the establishment of the District of Columbia as a State.

2. By retroceding to Maryland such parts of the District of Columbia as are deemed not essential to the operation of the Federal Government, thereby giving District of Columbia residents the same voting rights and privileges as the citizens of Maryland. Originally under the terms of the Agreement of Cession (July 16, 1790) of the land by Virginia and Maryland to the Federal Government for the creation of the Nation's Capital or Federal District, it was provided under the act that the laws of Virginia and Maryland would apply to the then citizens living on the ceded lands until the establishment of the National Government. Residents were therefore permitted to vote in the national elections of 1792, 1796, and 1800. These voting rights, upon retrocession, would be restored.

3. Congress could enter into a Federal compact or agreement with Maryland, declaring residents of the District to be residents of Maryland for voting purposes.

We also invite Chairman Celler and the subcommittee's attention to article I, section 8, clause 18 of the Constitution, to wit:

"The Congress shall have Power * * * to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or any Department or Officer thereof."

This clause is known as the coefficient or elastic clause. That it is an enlargement, not a constriction, of the powers granted to Congress, that it enables the lawmakers to select any means reasonably adapted to effectuate those powers was established by Chief Justice Marshall's historic opinion in *McCulloch v. Maryland* (4 Wheat. 316 (1819)), wherein he laid down the following inextinguishable principle of constitutional law re congressional power:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution are constitutional."

It admits of no great constitutional consciousness to conclude that the end sought under House Joint Resolution 529 is legitimate and consistent with the spirit and letter of the Constitution as well as appropriate and not prohibited within the four corners of the Constitution and comes within the purview of Congress inherent and implied power, thus dispensing with a constitutional amendment.

We would like to suggest that the language be made more specific so as to leave no doubt that the Delegates provided under House Joint Resolution 529 have voting rights in the House. This could mean the release of 25 members of the present District of Columbia Committee, and put the responsibility of presenting the needs and problems of the District in the hands of its own elected Delegates. Failure to grant voting rights to the Delegates would be but a pyrrhic victory.

In conclusion, it is our opinion that the passage of this legislation, whether by constitutional amendment or legislative fiat, would be carrying out the spirit and letter of the Constitution and the preamble thereof, thereby forming a more perfect Union, establishing justice, insuring domestic tranquility, promoting the general welfare, and securing the blessings of liberty to ourselves and our posterity, all of which was in contemplation by our Founding Fathers.

We urge the speedy enactment of House Joint Resolution 529 and have no hesitancy in saying that such action will meet with universal acclaim.

The CHAIRMAN. Our next witness is Mrs. Harvey Wiley, past president of the Women's City Club. Can you submit a statement and just give us a short résumé? I ask that because we have 20 other witnesses, and it is my determination to close these hearings this afternoon.

STATEMENT OF MRS. HARVEY W. WILEY, SECOND VICE PRESIDENT OF THE WOMEN'S CITY CLUB OF WASHINGTON, D.C.

Mrs. WILEY. I will be very glad to file my statement. I am an old hand at this. I have been at it for about 40 years. I am 83. I have lived in the District since 1885. I am a widow. My husband, Dr. Harvey Wiley, of the pure food law, lived here since 1884. We were both ardent believers in national representation.

I think it is a great privilege to speak today after all these noted speakers. I certainly hope that you in your wisdom will pass House Joint Resolution 529 giving us the right to vote for President and Vice President and such delegates with such powers as you see fit.

Here is my statement. I have taken a great deal of time preparing it and I think it is very good.

The CHAIRMAN. Thank you very much.
(The statement follows:)

STATEMENT OF MRS. HARVEY W. WILEY, SECOND VICE PRESIDENT OF THE WOMEN'S CITY CLUB, OF WASHINGTON, D. C.

Mr. Chairman, I feel that it is a real privilege to speak today. I am Mrs. Harvey W. Wiley, widow of Dr. Harvey W. Wiley, "father of the pure food law of 1906," an old veteran in this cause. I have lived in Washington for 75 years and am now 83 years of age. I have been interested in national representation for the District of Columbia, ever since 1932, when I became president of the D. C. Federation of Women's Clubs, long an adherent of this quest.

I represent the Women's City Club, situated at 2200 20th Street NW., now beginning its 41st year of existence. One of the objects of this club is to advance the civic and social welfare of the city of Washington.

On January 24, 1928, Mrs. Grace Hays Riley, president of the Women's City Club, signed a petition for national representation for the District of Columbia, which was presented at a hearing before the Judiciary Committee of the House of Representatives by Edwin C. Brandenburg, attorney, for the Joint Citizens Committee of the District of Columbia, whose chairman was the much beloved citizen, Theodore W. Noyes, editor of the Evening Star, on whose committee I served as one of the five vice chairman for several years.

On April 28, 1938, Senator Arthur Capper, of Kansas, a warrior for national representation in the District of Columbia, asked permission to put in the Record a copy of a petition dated way back in 1922, presented to the Senate District Committee, of which Senator Capper was the chairman, asking for this same boon; namely national representation for the District of Columbia. This petition of 1922 was signed by our then second vice president, Judge Mary O'Tool, of the Women's City Club. I mention this to show how far back our record for this important demand extends.

These petitions all read alike, reaffirming the principles announced by the Founders of our Republic, to the effect that "taxation without representation is tyranny," "that governments derive their just powers from the consent of the governed" in order "that government of the people, by the people, and for the people" may become an accomplished fact for all, and adding that "one-half million totally disfranchised people of the District of Columbia obey the national laws, pay more taxes than many of the States; oversubscribed every wartime fund; supplied the Army and Navy of the United States with nearly 18,000 men in World War I, a larger number than any one of seven States," and who are now living under an anomalous condition in which they have no voice in the National Government, concluding with the request that the residents of the District of Columbia be now granted representation in the Congress and in the electoral college. I have copies here of the hearing of 1928 and Senator Capper's speech of 1938. Also a copy of a hearing of 1945, at which I spoke (p. 55) on national representation before the Hon. Hatton W. Summers, of Texas, chairman of the Judiciary Committee for many years, and who, like Senator Capper, was a warm adherent of our cause.

Today the conditions are the same as in 1922, 1928, and 1938 mentioned above, except that on August 12, 1955, the President signed the general primary law, providing for a Board of Electors and allowing the citizens of the District of Columbia to vote for delegates to the political conventions.

"The law of life is the law of change." It would seem now after 38 years of effort by consecrated and devoted men and women of the District of Columbia of standing in the community, that their efforts to secure national representation should be realized and that they should by constitutional amendment, be allowed to vote for President and Vice President and to have such representation in the Congress, as Congress in its wisdom may decide.

Mr. Chairman, I wish to endorse, in the name of the Women's City Club, your bill, House Joint Resolution 529.

The CHAIRMAN. The next witness is Mr. Frank McGuigan.

I hope you will follow the good example followed by the lady who just preceded.

STATEMENT OF F. H. McGUIGAN, SECRETARY, GREATER WASHINGTON CENTRAL LABOR COUNCIL, AFL-CIO, WASHINGTON, D.C.

Mr. McGUIGAN. I had intended to do that without any suggestion by the Chair. I think this matter has been covered by preceding speakers. I want to express my appreciation to you and to the subcommittee for proceeding so promptly with hearings on this matter. It has the complete support of the Washington labor movement and national AFL-CIO.

We thank you and hope the 86th Congress will move to enact House Joint Resolution 529.

The CHAIRMAN. Thank you.

Mr. McCULLOCH. Mr. Chairman, I would like to ask the witness the same question.

Do you believe the principle which you have advocated should be implemented for qualified American citizens wherever they may be, at the earliest practical date?

Mr. McGUIGAN. Yes, sir. We believe that this is the right of all American citizens. We think, however, that things cannot be done all at one time. We agree completely with the statement of the chairman yesterday that to encumber this proposed legislation with a number of other amendments probably would result in no legislation. For that reason we think that the resolution should be passed as introduced.

The CHAIRMAN. Thank you, sir.

(The full statement follows:)

GREATER WASHINGTON CENTRAL LABOR COUNCIL, AFL-CIO,
Washington, D.C., April 6, 1960.

HON. EMANUEL CELLER,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN CELLER: The Greater Washington Central Labor Council, AFL-CIO, representing more than 150,000 AFL-CIO members in the Washington metropolitan area, wishes to go on record supporting the views expressed by Mr. Elwood Davis, chairman of the Citizens Joint Committee on National Representation for the District of Columbia.

We are very grateful for your efforts in pushing for enactment of legislation to give local citizens the right to participate in election of President, Vice President, and Members of Congress.

We sincerely hope that the Congress will enact legislation accomplishing this purpose during this session.

Respectfully yours,

F. H. McGUIGAN, *Secretary.*

The CHAIRMAN. Our next witness is Mr. George P. Lamb of Lamb & Long.

STATEMENT OF GEORGE P. LAMB, WASHINGTON, D.C.

Mr. LAMB. Mr. Chairman, I have a prepared statement which I shall turn over to you with sufficient copies for the committee. I would like to make a couple of points orally.

When the District of Columbia was given the experimental vote in the District primary, which went into effect in 1956, on March 10 of that year, just 35 days before the primary, there were only 3,800 qualified registered voters in both the Democratic and Republican party who intended to vote. This agitated me so much that I decided to run against the Republican organization.

I bought radio time and television time. I hired eight telephone operators, made 47,500 telephone calls, appeared on television 8 times, and had some 500 spots to try to get the residents of the District of Columbia, whether they be Democrat or Republican, to turn out the vote. The registrations went up from 3,800 on March 10 to 59,000 on April 16. That to my way of thinking demonstrated once and for all that the residents of the District of Columbia definitely want the right to vote. They may have some difference of opinion on what they want to vote for, whether it is for President or Vice President, or for a nonvoting delegate to the House. But my statement clearly demonstrates that, and I think that that can serve as evidence to the committee. I endorse your resolution wholeheartedly and I hope that in this session of Congress it will go through so that those of us who are interested can help get it through the States that will have to ratify it.

I thoroughly believe that you will do a great service to the residents of the District of Columbia in making us full-fledged citizens instead of second-class citizens.

The CHAIRMAN. Thank you very much, Mr. Lamb.

(The full statement follows:)

STATEMENT OF GEORGE P. LAMB, WASHINGTON, D.C.

My name is George P. Lamb. I am a resident and registered Republican voter of the District of Columbia. I came here from Indiana in July 1931 to study law. I completed my legal training and became a member of the bar in 1934, and have been practicing law here ever since. Although my business has been continuously in the city of Washington for that period of time, I lived in the District from 1931 to 1936, in Virginia from 1936 to 1947, and in the District again from 1947 to date. I know what it is to exercise the right to vote and I know what it is to have no vote at all. I voted in Indiana in 1932, in Virginia in 1940 and 1944, and I was disqualified after 1947 until 1956 when Congress gave the District a primary law as an experiment to see whether District residents wished to vote. At that time I registered again.

I appear here today to endorse the joint resolution pending before this subcommittee. In my opinion, the House of Representatives should immediately take steps to permit qualified voters in the District to vote for President and Vice President. I also endorse the provision of this joint resolution calling for representation in the Congress. My appearance here today is prompted by the fact that I have long felt that the residents of the District were being deprived of the great privilege of voting which is granted to other American citizens. All citizens should have the right to vote for candidates for important offices who have convictions on and an opportunity to decide important political issues.

In 1955 the Congress of the United States passed a law known as Public Law 376 of the 84th Congress entitled "An act to regulate the election of delegates representing the District of Columbia to the national political conventions and for other purposes." This law was passed in order to give the District residents an opportunity to show whether or not they were desirous of voting for any public office. Registration under this law commenced in the District in December of 1955 and continued until April 16, 1956. On March 10, 1956, the Board of Elections reported that there was a total of 3,800 voters registered in the combined Democratic and Republican Parties who were interested in voting in the election of May 1. There were only 35 days left before the close of registration. At that time the press was carrying comments with regard to the apathy of the

District residents in registering under this experimental law. It seemed to me as a resident of the District that it was important for someone to step forward to see whether or not an interest could be stimulated which would cause people to register. At that time it was my opinion that the reason for the apathy was largely due to the lack of a contest in the Republican Party, and a failure on the part of the public to understand what the primary was all about.

On the Democratic side there was considerable interest between two groups representing candidates Kefauver and Stevenson. On the Republican side there was one group of candidates nominated by the Republican Central Committee in and for the District of Columbia. The committee wanted no contest and expected none. Unless there was to be a contest, it seemed to me two things might happen: (1) There would be a failure to turn out to vote; and (2) there would be an indication by the Republican Party that it would rather settle on its candidates without the use of the primary. If there was a failure to turn out to vote, Congress would definitely get the impression that at least the Republicans in the District had no interest in voting and if there were no contest it would be very likely that this would happen.

Although my experience in politics had been very limited, I felt it was incumbent upon someone to step in to bring about a contest among Republicans in the District, and I entered the primary as a candidate for national committee-man and delegate. I engaged TV time, bought radio spots, prepared pamphlets and sample ballots, made speeches, and, in fact, called by telephone each of the 22,500 registered Republican voters of the District, once to ask them to register and secondly to vote.

From the day this campaign started on March 10, 1956, to the end of registration on April 16, the registrations in both political parties increased from 3,800 to 58,832. This, in my opinion, demonstrated once and for all that the residents of the District of Columbia were desirous of voting. Of the 58,832 registered voters 45,501 turned out on election day. This is a higher percentage than that for elections in most States, and this in spite of the fact that the issues in both the Democratic and Republican campaigns were poorly defined. True, there was an interest in the contest between Senator Kefauver and Governor Stevenson, but on the Republican side there was no contest for President. Both contesting groups were in favor of President Eisenhower and had no other place to go.

I should like to direct your attention to appendix D of the "First Report of the Board of Elections for the District of Columbia," a copy of which is attached herewith. This chart shows graphically what I have just stated.

At the present time we are preparing for the election on May 3 subject to the same primary law. This time again there was no contest among Republicans until recently. There were the same type of reports in the press that there was great apathy among the Republican voters. I have stepped in on a much smaller basis but nevertheless am making an effort to stir up some interest by running for delegate to the Republican National Convention and for member of the central committee. This is all designed to preserve what was gained in 1956 and to demonstrate to Congress that if we had a real election for live

candidates on important issues, the citizens of Washington would turn out in greater numbers than elsewhere in the United States.

My interest in voting in the District of Columbia was greatly aroused by the 1956 campaign, even though, as a result of the contest, I was defeated. After the election was over I examined the population statistics of the various States of the Union and recently the statistics for Hawaii and Alaska. Following are the figures which show the population of each of 15 States as compared with the District of Columbia.

	1950 census	Congres- sional apportion- ment		1950 census	Congres- sional apportion- ment
Arizona ¹	749,587	2	North Dakota.....	619,636	2
Delaware.....	318,085	1	Rhode Island.....	791,896	2
Idaho.....	538,637	2	South Dakota.....	652,740	2
Maine.....	913,774	3	Vermont.....	377,747	1
Montana.....	591,024	2	Wyoming.....	290,529	1
Nevada.....	160,083	1	District of Columbia.....	802,178	0
New Hampshire.....	533,242	2	Hawaii.....	499,794	2
New Mexico.....	681,187	2	Alaska.....	* 167,000	2

¹ Source: 1960 World Almanac and Book of Facts.
² 1958, estimated.

NOTE.—In the 1950 census Washington was the 9th largest city (802,178) and the 11th largest metropolitan area (1,464,089—1,864,000 in January 1956).

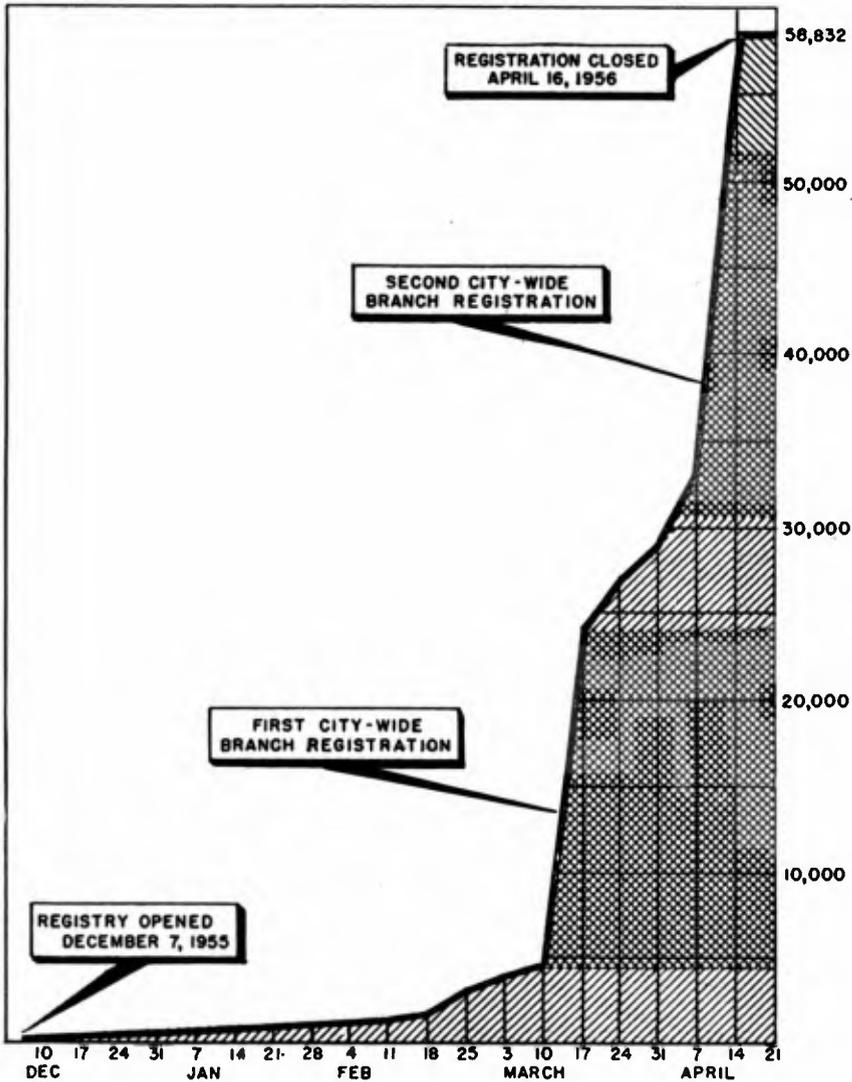
Even though the city of Washington is greater populationwise than 14 of those States, it is denied representation in the U.S. Congress. When you stop to think that Congress was willing to give statehood to Alaska, with its population of 167,000 as compared to our population of close to 900,000, it certainly is sufficiently persuasive that Congress should at least give the residents of the District of Columbia the right to vote for President, Vice President, and representation in Congress. This token right of franchise would in part recognize the historic position of our Founding Fathers that one who shoulders the obligations of citizenship in the United States of America should also enjoy its privileges.

The eyes of the world are today focused on this Capital City of the greatest democracy on earth. We as a nation can ill afford the bad public relations which come from the political lethargy that prevents this city from having the same exercise in democracy which we urge on all countries of the world as well as the 50 States. Somehow it is denied to those who, by accident or design, happen to be residents of the District of Columbia. I urge upon you the necessity to act upon this resolution promptly so that this blight can be removed.

APPENDIX D

GROWTH OF VOTER REGISTRATION

Dec. 7, 1955 - April 16, 1956



The CHAIRMAN. The next witness is Mr. Rufus Lusk.

STATEMENT OF RUFUS LUSK, WASHINGTON, D.C.

Mr. LUSK. I have a 130-word statement. I would like to continue that for about 500 words in view of what has been said here today.

I am the president of the Washington Taxpayers Association; and the president of Rufus Lusk & Son, Inc., publishers.

There is nobody in Washington who is more bitterly opposed to the election of a city council than I am. My father was.

I come of a family that has lived here for a little while. On my mother's side for 200 years; on my father's side it is rather recent. He came here in 1860.

We have always, all of us, most of us, who have lived here, worked here, we are opposed to that. But at the same time we think that what is proposed here by this committee is highly desirable. And it is highly desirable because we think, or at least I think that it may prevent, it may stop, at least for a time anyway, this continual proposal, this continual campaign that we should have an elected city council.

I know this city government well. I have been dealing with it 30 years. And I think we have the finest city government in the United States. And we have one that compares favorably with those in Europe. I am familiar with many of them—Dublin, London, Oslo, Stockholm, Paris.

There isn't a better city government that I have had any contact with.

So let us stay away from anything that goes further than what you propose here, and have this which will be a big help to us. Just one thing more, Mr. Chairman, and when I say I am about to end I am about to end, not like some other speakers who ended at least a half dozen times. There is just one thing more.

If we have a city government similar to the others in this country, it will be something that we almost never have, probably crooked; something we have sometimes, not as efficient, and not anything like as well run as ours.

So stick to what you have; don't let them waylay you and put you onto another path. This is a damned good thing.

Thank you.

The CHAIRMAN. Mr. Philip Brown, of the Washington Home Rule Committee.

I hope you heard what the previous witnesses said.

**STATEMENT OF PHILIP BROWN, WASHINGTON HOME RULE
COMMITTEE, WASHINGTON, D.C.**

Mr. BROWN. Mr. Chairman, my statement will be a change of pace.

The CHAIRMAN. I warn you not to speak on home rule because that is not before us.

Mr. BROWN. I concur.

I would like to make a few very brief remarks.

We, as members of the Home Rule Committee, are grateful to you for your strong and clear support of measures to grant the citizens of the District of Columbia voting rights at both the national and local levels of government. The Home Rule Committee is dedicated to obtaining the right to vote at both levels as part of the program of the total vote.

We applaud the chairman's view that this is not an either/or proposition, and that House Joint Resolution 529 is neither a home rule bill nor a substitute for a home rule bill.

The voting rights proposed by House Joint Resolution 529 are fundamental to American citizenship. The District deserves the right to vote for President and Vice President, and to have its rightful share of voting representation in Congress. Naturally people disagree as to what that share should be, but they do agree that our present situation of no suffrage at all is the least desirable alternative.

Accordingly, Mr. Chairman, while the Home Rule Committee would prefer that the District, without being made into a State, be given national voting representation in both the House and Senate, we acknowledge your experienced wisdom in determining what is and what is not politically feasible.

We observe, however, that the resolution, if adopted as it is presently drafted, in good faith calls for subsequent legislation giving voting powers to the District delegates.

Otherwise the resolution should be so amended before passage.

In conclusion, Mr. Chairman, I wish to express to you and to the members of this committee our deeply felt convictions that your resolution and the home rule bill, while separate in form, are related parts of the same substantive goal of full suffrage for the people of the District, and that all true friends of democracy throughout the United States will happily give their support to both measures.

The CHAIRMAN. Our next witness is Mr. James F. O'Donnell, counsel, District of Columbia Federation of Business Men's Associations, Inc.

STATEMENT OF JAMES F. O'DONNELL, COUNSEL, DISTRICT OF COLUMBIA FEDERATION OF BUSINESS MEN'S ASSOCIATIONS, INC., WASHINGTON, D.C.

Mr. O'DONNELL. Mr. Chairman, the Federation of Business Men's Associations of Washington endorses wholeheartedly the resolution before this committee, and the position already taken by the joint committee in support of the same.

I have just one observation to make. I think it has frequently been observed that if this country has a weakness in today's world it is in becoming a group of spectators rather than participants. I think this is one area in which this committee and this Congress has an opportunity to make participants in their government out of those people who now look on the national scene in this legislative process in Washington only from the spectator's point of view, watching the television set and their legislative organization in action.

Thank you.

The CHAIRMAN. Thank you.

Mrs. Haskell Rosenblum, president of the League of Women Voters of the District of Columbia.

STATEMENT OF MRS. HASKELL ROSENBLUM, PRESIDENT OF THE DISTRICT OF COLUMBIA LEAGUE OF WOMEN VOTERS

Mrs. ROSENBLUM. Mr. Chairman, my statement is so short I would prefer to read it, if it is all right with you.

First I would like to commend the chairman for his statement of yesterday with regard to home rule and national suffrage, and we believe in both parts of this.

Mr. Chairman and members of the committee, I am Mrs. Haskell Rosenblum, president of the District of Columbia League of Women Voters. Throughout the 40 years of the league's existence, our members, both locally and across the Nation, have been deeply concerned over the disenfranchisement of citizens of this city. At every opportunity we have testified before congressional committees, we have worked to build public understanding and support, and we have devoted great efforts to remedy this grave injustice. We count it a privilege as well as an obligation to appear here along with so many of our fellow citizens, a true cross-section of the Washington community, to urge your speedy approval of House Joint Resolution 529.

We will not take your time to repeat the history and arguments so often presented, both before you, before many earlier congressional committees, and the press—notably in the recent articles and editorials in the Evening Star. We wish, however, to make a few specific points. First, may we commend the chairman and this subcommittee for scheduling these hearings so promptly after the Senate action, so that there is still time for House action before the adjournment rush which comes so early in an election year. This Congress may well stand in American history as most famous because it saw the admission of Alaska and Hawaii to the Union and proposed the enfranchisement of District of Columbia residents—a truly inspiring record of expansion of suffrage in an era when democracy is under scrutiny by developing nations around the world.

Second, we support the decision of this committee to consider at this time a resolution dealing solely with voting rights for the District of Columbia, rather than the tripartite resolution recently passed by the Senate. We all know how very difficult it is to amend the Constitution on a single issue; to attempt to pass three separate amendments in one package is almost certain to invite defeat as they are considered in the 50 State legislatures. We hope earnestly that the Senate will quickly concur in House action on the District proposal by itself.

Third, we speak to the number of electors of President and Vice President which are authorized in House Joint Resolution 529 as compared to the larger number provided in Senate Joint Resolution 39. Naturally enough, the League of Women Voters of the District of Columbia favors the larger number because it places District residents on a more equal footing with their fellow Americans. Now that the injustice which has prevailed for 160 years is about to be righted, let us do the job properly and give each District vote equal weight with every other vote cast for the Chief Executive.

Finally, on the matter of powers to be granted the District Delegates to the House of Representatives, we wish to express a reasonable and pragmatic position. Formerly, we have supported resolutions which would provide for voting Delegates in the House and even for representation in the Senate. We still prefer that assurance be written into the constitutional amendment that the District Delegates would have voting rights in the House. However, if such a provision is considered likely to jeopardize passage of the resolution by either the Judiciary Committee or the House of Representatives, we would certainly not insist on it. We can only trust in the good faith and judgment of future Congresses to give our Delegates a true voice.

Gentlemen, in 3 weeks' time I shall be attending the National Convention of the League of Women Voters of the United States in St. Louis, Mo. I look forward to reporting to some 1,200 delegates from 1,000 local leagues on the progress of this legislation which has been on the league program throughout our history. When I ask their expert assistance in getting this resolution ratified in three-fourths of the State legislatures, I know they will respond enthusiastically. Please pass the resolution speedily, so that the next steps can soon be undertaken.

Thank you for this opportunity to appear.

The CHAIRMAN. Thank you very much.

Our next witness is Mr. Culver Chamberlain.

STATEMENT OF CULVER CHAMBERLAIN, DEMOCRATIC CENTRAL COMMITTEE FOR THE DISTRICT OF COLUMBIA, WASHINGTON, D.C.

Mr. CHAMBERLAIN. Mr. Chairman, members of the committee, I am Culver Chamberlain, attorney, of the District of Columbia.

This morning I have the privilege of addressing you as chairman of the Central Democratic Committee of the District of Columbia, the original Democratic organization in Washington.

I am speaking in a sense as substitute for Mr. A. L. Wheeler, the chairman of our committee.

We are grateful to you, Mr. Chairman, and to the members of your committee and others in the Congress who concern yourselves with our problem.

I shall be brief.

I believe that the position of the Democratic Central Committee is well understood. In any event it has been voiced for a great many years, and has been endorsed by the National Democratic Party at successive conventions as, Mr. Chairman, you are very well aware, of course.

I do wish to say this: Our position is simple. We seek, and in the long run we shall be satisfied with no less than, the voice in government that is enjoyed by all other Americans in the United States. We ask no more, but we shall be satisfied, Mr. Chairman, with no less.

In the meantime we welcome any and all measures that tend to this general direction. Therefore we are heartily in favor of your joint resolution and, if you will forgive me, insofar as it goes, Mr. Chairman.

We are of the opinion that such representation as we have in the House of Representatives should be fully participating on the same

basis as representatives of other locales. That is one. We also feel that eventually we should secure similar representation in the Senate of the United States, like other jurisdictions.

The only reason that I stress those things is this: We feel and apprehend that should this measure go through in its present form that we may be stuck with it for quite a number of years, because it is in a different category of course, than a mere act of Congress, such as would enfranchise us for local government purposes, and which could likewise be readily amended.

However, in this situation if we amend the Constitution in this wise we probably will be stuck with it for an indefinite period. Therefore, without caviling, and without seeming to be ungracious or grateful to you, as indeed we are for your effort in this respect, we hope that these other things may be considered.

And finally, if I may say so—and please forgive me, I realize that you are trying to keep this to the libretto—I would say most emphatically that we earnestly trust that this will in nowise divert attention from, or the possibility of our securing the local self-government measures that are presently pending, and I urge any and every Member of Congress who has not done so to discharge this bill that is pending before the House of Representatives to give us local representation.

That is all I have to say, Mr. Chairman. Thank you.

We are grateful. We support this measure.

The CHAIRMAN. Thank you, Mr. Chamberlain.

Mr. McCULLOCH. Mr. Chairman, I would like to ask the witness a question.

Do you advocate statehood for the District of Columbia now?

Mr. CHAMBERLAIN. No, sir. Nor would I believe that I should ever, personally. I am not speaking for the committee. But the committee, I believe, to my knowledge—and I have been on it for many years—has never even seriously entertained the idea.

Mr. McCULLOCH. But you are an advocate for home rule and you hope the pending bill will be considered by this Congress?

Mr. CHAMBERLAIN. Yes. Indeed I do. But I do not—to pursue that—I do not perceive that that would make a State out of us by any manner of means. And I am also of the opinion that, with all good will, I am of the opinion that the Congress should, and I have no doubt it will, continue to retain the ultimate control of the District. But that is no reason why it should not delegate those powers, like the States delegate local powers to the communities in their jurisdictions.

The CHAIRMAN. Thank you very much, Mr. Chamberlain.

The next witness is Mrs. Jack Gottsegen, District of Columbia chapter, National Council of Jewish Women.

STATEMENT OF MRS. JACK GOTTSEGEN, NATIONAL COUNCIL OF JEWISH WOMEN, INC.

Mrs. GOTTSEGEN. I am representing the National Council of Jewish Women. My statement is so brief—it is less than a page—that I would like to read it.

I am Mrs. Jack Gottsegen, representing the National Council of Jewish Women, an organization with an integrated program of serv-

ice, education, and social action. Our membership numbers 110,000 women, organized into 240 sections throughout the United States. Our District of Columbia section is a member of the Citizen's Joint Committee on National Representation for the District of Columbia.

For 30 years the National Council of Jewish Women has supported national representation and suffrage as local self-government for the citizens of the District. This support has been reaffirmed at every national convention since 1930.

We are therefore happy to appear here today in support of the principles embodied in House Joint Resolution 529 because we consider these an important step toward granting complete suffrage for residents of this city. We would also like to express our hope that this committee will consider two changes in the present wording—one which would provide that the delegates be designated as voting delegates and second, that the number of electors be equal to the number of both Senators and Representatives to which the District would be entitled if it were a State. We believe this would provide a greater degree of representation for the residents of the District of Columbia.

We thank you for this opportunity to appear before you today, and earnestly request your prompt and favorable action to secure these rights of citizenship which are so long overdue.

The CHAIRMAN. Thank you very much.

Now we have Mr. Daniel Sherry, president of the National Capital Association of B'nai B'rith.

STATEMENT OF DANIEL SHERRY, PRESIDENT, NATIONAL CAPITAL ASSOCIATION OF B'NAI B'RITH, WASHINGTON, D.C.

Mr. SHERRY. Mr. Chairman, I want to thank you for the privilege of being here this morning representing the National Capital Association of B'nai B'rith lodges. We comprise 9 lodges in the District of Columbia and the neighboring Maryland counties, with a membership of approximately 1,800.

At our convention this past Sunday we passed separate resolutions—one for national representation, and one for home rule. We feel that the treatment of this matter, as has been expressed by the chairman, is the proper political treatment. We hope that the resolution before the subcommittee receives favorable consideration. We also hope that the home rule bill that is pending in the House will receive favorable consideration.

I thank you for the opportunity of appearing.

The CHAIRMAN. Thank you, sir.

Now we have Mr. J. Norman Stone, president, Uptown Morse for President Club.

This is no political speech?

Mr. STONE. No, sir. It is in reference to the pending resolution.

STATEMENT OF J. NORMAN STONE, PRESIDENT, UPTOWN MORSE FOR PRESIDENT CLUB, WASHINGTON, D.C.

Mr. STONE. The question before the House is not if the residents of the District of Columbia should be given the right to vote, but when. It is becoming increasingly clear that we in the United States can no

longer deny democratic principles to some of our citizens because they live in a certain area or because of their economic status, racial origin, or religious denomination.

This is an explosive decade and the world is already aflame. People who have been denied basic human dignities are on the march. We refer to Africa and Asia, principally. The giant has been aroused—the giant in the form of millions and millions of people denied and ignored. He will no longer be ignored.

The free world desperately needs him and the Communist world must have him. To whom shall he turn? Or will he turn to either side? No one can say. But this can be said, in truth. If we in the United States do not appear before him with clean hands, humble hearts, and a sense of honesty, he will not only turn from us but against us and that would forebode certain disaster.

How can we appear as the apostles of democracy when the citizens of our Capital City have no say in who governs them? How can we dare meet the eyes of the awakened giant when our hearts are dripping with the poison of hypocrisy?

We, the Uptown Morse for President Club, are following the lead of our revered Senator—the modern day Abraham Lincoln, who has continually preached against the doctrine of “taxation without representation.” Senator Morse has pointed out again and again that the point of no return has just about been reached and that if we do not begin to practice total democracy now, it could very well happen that we could lose, and very soon, even that degree of liberty which we have already attained, and which we so dearly cherish.

That which is proposed before the House is not a whole loaf or even half a loaf, but merely a slice of basic liberty. To deny this slice would be to deny food to a starving man—a man starved for rights so long denied. Senator Morse and his constituents here in the District of Columbia believe in home rule for the District of Columbia, and as surely as the sun sets this will come, and, we venture to predict, sooner than many would believe. But until it does come, we urge you to pass the legislation before you so that we, the residents of the District of Columbia, might vote for President, Vice President, and representation in Congress.

If this be done, then it will be the second step in the direction of true democracy—the first step being the right of District of Columbia residents to vote in the presidential primary which bill was sponsored by Wayne Morse in the Senate.

The remaining steps, toward a goal of respect and brotherly love for all mankind, kindred of the Creator, who placed us here and who is watching what we do here, we trust, and are sure, will be achieved, and we hope soon.

J. Norman Stone, president; Mrs. Herman Glover, secretary; vice presidents: Mrs. Hubert Barnes, Mrs. A. C. Berry, Mrs. Kirkland Davis, Mrs. Ralph Green, Zeb Sharpe; Publicity Chairlady Virginia Stacy.

I have distributed copies of this statement to the committee. I wish to point out that the word “against” in the sentence—

We, the Uptown Morse for President Club, are following the lead of our revered Senator—the modern day Abraham Lincoln, who has continually preached against the doctrine of “taxation without representation”—

was inadvertently omitted, and I certainly want to correct that, because, if anything, that would be a very unfair error.

The CHAIRMAN. Thank you very much.

Mrs. Robert J. Phillips.

I will ask all the other witnesses to submit statements so we can terminate the hearing this morning. Very important legislation is on the floor and we will not be able to conduct any hearings this afternoon. I am going to ask all the witnesses to submit statements.

Mrs. ROBERT J. PHILLIPS. Is she here?

(No response.)

The CHAIRMAN. Mr. Herbert Borchardt, commander, District of Columbia Department, VFW.

(No response.)

The CHAIRMAN. Mr. Morton Gluck, Washington chapter, Americans for Democratic Action.

(No response.)

The CHAIRMAN. Mrs. Gordon Van Sanford, Parent-Teachers' Association.

STATEMENT OF JOHN B. GILLILAND, DISTRICT OF COLUMBIA CONGRESS OF PARENTS AND TEACHERS

Mr. GILLILAND. My name is John B. Gilliland, and I am appearing for the Parent-Teachers' Association, and I will submit our statement as you suggest. I am appearing for Mrs. Gordon Van Sanford.

I would like to say that we, 44,000 members of the District of Columbia Congress of Parents and Teachers, while sometimes we may have a minority opinion that does not agree with the majority on some subjects, I believe in this particular case there is not a single one of our members who does not go along enthusiastically for the proposition which you gentlemen are favoring, national representation.

As Mr. Lusk says, he hopes that that will take the place and stop the movement toward home rule. I have the other point of view, that we hope it will encourage the movement toward home rule.

(The statement follows:)

DISTRICT OF COLUMBIA CONGRESS OF PARENTS AND TEACHERS,
BRANCH OF THE NATIONAL CONGRESS OF PARENTS AND TEACHERS,
Washington, D.C., April 7, 1960.

Re constitutional amendment to give District residents the vote for President, Vice President, and congressional representation.

Hon. EMMANUEL CELLER,

Chairman, House Judiciary Committee, House Office Building:

I am speaking for the District Congress of Parents and Teachers.

Last May at the annual convention of the District Congress of Parents and Teachers our membership of over 44,000 endorsed the principle of home rule for the District of Columbia. We have been very active in our efforts to obtain home rule for the District.

Since at least 1940 the District Congress of Parents and Teachers has also supported national representation for the District of Columbia. Our activity has fluctuated on this matter depending upon congressional action. We have approved and endorsed an amendment to the Constitution granting that bona fide citizens of the District of Columbia be given the right by election, to national representation in both the Senate and the House of Representatives of the U.S. Congress and the right to vote for the Office of President and Vice President or the electors thereof both as is or may be consistent with similar privileges enjoyed by the citizens of the several States.

Next month at our annual convention our action program will again include a resolution for national representation since we wish to reaffirm our stand. There has, however, never been any opposition to this by our membership.

The District of Columbia Congress of Parents and Teachers through the years has time and again known the frustrations, recognized the inadequacies, observed the inconsistencies, and has been fully aware of the unfairness and the injustices brought about by taxation without representation of the citizens of the District. We have been embroiled in the battle of the budget for school funds year after year. We have even asked to have our taxes raised in order to obtain the schools, school needs, and other budget items we feel are so necessary for the welfare of children. Nevertheless yearly it is the same old story of not being able to spend our own taxes on the items we know are the most necessary. We have no say as to how much money is spent on what items, we have no say in the matter of legislation, and furthermore there has constantly been a lack of coordination between the legislative and Appropriations Committees for the District of Columbia. The inadequate Federal payment is a prime example. We citizens of the District fail to see the necessity of Congressmen from the States handling the legislation and appropriations of the District of Columbia when so often there is shown little or no concern for the true needs of the District. It is not fair to have Congressmen who are uninformed and disinterested in District matters placed on congressional committees in complete charge of District affairs. Fortunately we do have some true friends of the District in the Congress, however, their number is very small in proportion to the District's needs. We are extremely grateful to these devoted workers, and hope that they will continue their efforts in behalf of the District citizens.

To summarize, the District of Columbia Congress of Parents and Teachers supports—

1. Home rule for the District of Columbia.
2. An adequate Federal payment to the District.
3. The right by election to national representation in both the Senate and the House.
4. The right to vote for the Office of President and Vice President or electors thereof.

When the above items are allowed the citizens of the District of Columbia then we will be entitled to the same rights and privileges as other American citizens.

Mr. McCULLOCH. Mr. Chairman, I would like to ask the witness a question, in view of his last statement.

Did you mean to have carried over as a part of that statement that without exception the entire membership of the Parent-Teachers Association would be for local home rule?

Mr. GILLILAND. No.

Mr. McCULLOCH. That is your statement alone?

Mr. GILLILAND. No.

Mr. McCULLOCH. The last one?

Mr. GILLILAND. On the subject of home rule, there is a difference of opinion among the District of Columbia Congress Members. The majority, I think the large majority, favor home rule. But there are—

Mr. McCULLOCH. Have you had a poll of your members on that question?

Mr. GILLILAND. At our national convention last May we voted on the subject. But there are many sincere members of the PTA who do not—

Mr. McCULLOCH. Have you had a poll in the District on the question of home rule?

Mr. GILLILAND. We have an annual convention of some 1,000 delegates, approximately 1 delegate to every 20 members. At that convention we voted in favor of home rule.

Mr. McCULLOCH. I would like, Mr. Chairman, to restate the question.

Have you had a poll, an individual poll, of the members of your association in the District on the question of home rule?

Mr. GILLILAND. No, sir; we have not.

The CHAIRMAN. Thank you very much.

Mr. Irving Schlaifer.

STATEMENT OF IRVING SCHLAIFER, WASHINGTON, D.C.

Mr. SCHLAIFER. Mr. Chairman, my statement is very brief.

The CHAIRMAN. How long?

Mr. SCHLAIFER. Just one page.

The CHAIRMAN. All right.

Mr. SCHLAIFER. My name is Irving Schlaifer. I live at 912 Galatin Street NW., Washington, D.C.

I am originally from Omaha, Nebr., and lived there 18 years. I have lived in Washington, D.C., since August of 1937, excepting for the year of 1946, when I lived in Los Angeles, Calif. I am now in my 22d year as a resident of the District of Columbia.

I am now in my 14th year as a licensed sightseeing guide and cab owner-driver. In this line of work I have admired the growth of this Capital City of the United States. I have given serious thought to its limited size of approximately 70 square miles. One cannot help but believe that this limited size was one of the main stumbling blocks in the way of its being given the right for its citizens to a national vote.

We are glad to know that many Members of Congress feel that we should have national representation, and are willing to pass on a constitutional amendment to that effect. Let this constitutional amendment provide for two Senators and its full share of Representatives according to population, and let our duly elected spokesman to the Congress of the United States have the same full and equal rights as do the other Members of Congress.

Definite provisions should be made as to the size of the District of Columbia in this same constitutional amendment. Going back to the early history, as to the creation of the District of Columbia, it will be found that Gen. George Washington and his advisers, as a first step in creating a seat of government for the United States, decided just where the District of Columbia was to be located, and the territory to be included for the District of Columbia, and, as a result, Gen. George Washington and his advisers surveyed out the territory of the District of Columbia. It was decided at that time that a 10- by 10-mile area would suffice as a sufficient territory for the seat of government for many years to come.

Since World War I social and industrial changes have increased Government participation in so many more problems of national interest that almost without exception agency after agency has expanded its operations to the extent that the original area set aside to serve as the seat of government is no longer adequate. In recent years we have seen more and more of our agencies going into nearby Maryland and Virginia. It will also be found that a substantial majority of the residents of this so-called metropolitan area reside outside the District of Columbia and are in the nearby suburbs of

Maryland and Virginia, and that the great increase in population will continue to be in the nearby suburban areas of Maryland and Virginia rather than in the present District of Columbia.

In the treating of the subject of a new area for the seat of government, which is a major problem today, we must take into consideration not only what area is necessary today but an area that will meet the needs of an expanding seat of government for the next two or three decades, as was done when the original District of Columbia was defined and surveyed by Gen. George Washington. The area for the District of Columbia should be enlarged so that it will consist of a territory of not less than 50 by 50 miles, to be measured 28 miles north, 28 miles west, 22 miles east, and 22 miles south of the U.S. Capitol Building.

This would provide an area of not less than 2,500 square miles, instead of the present 70 square miles which now makes up our present District of Columbia. The 50- by 50-mile territory for the District of Columbia would overcome the main objection of size when it comes to national representation. We hear too much of doing away with the present area of the District of Columbia by a few Members of Congress who would like to see it returned to the State of Maryland. Much to our regret, approximately 30 square miles of the original area of the District of Columbia was returned to the State of Virginia over 100 years ago.

Bear in mind, the original size of 10 by 10 miles for the District of Columbia, as suggested by Gen. George Washington and his advisers, was made during the horse and buggy days. Today we are in the automobile and air age, and the suggested size of 50 by 50 miles is more in keeping with all the changes that have taken place since Gen. George Washington's time.

The CHAIRMAN. I don't mean to cut you off, but these are the exigencies under which we operate. After all, when you hear so many witnesses, the testimony becomes quite repetitious.

(Attachment to Mr. Schlaifer's statement follows:)

[Extract from "Letters to the Star" department, the Sunday Star, Washington, D.C., Apr. 3, 1960]

APRIL 11, 1960.

Congressman EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
Old House Office Building, Washington, D.C.

DEAR CONGRESSMAN CELLER: On Thursday, April 7, 1960, I appeared before your committee and filed my statement on House Joint Resolution 529. I wish to have the following information made a part of my statement.

The members of the 50 State legislatures that will pass on this constitutional amendment will compare the District of Columbia's population and area with other large cities of the United States.

The following facts were taken from the Information Please Almanac of 1960:

City	1950 census	Square miles
New York, N.Y.	7,891,987	319.10 in 1958.
Chicago, Ill.	3,620,902	224.24 in 1958; 5.37 inland water.
Philadelphia, Pa.	2,071,605	129.71 in 1958.
Los Angeles, Calif.	1,970,355	457.61 in 1959.
Detroit, Mich.	1,849,568	139.60 in 1957; 4.10 inland water.
Baltimore, Md.	949,708	78.70 in 1940; 6.90 inland water.

The population and area of each of the six cities listed is greater than that of the District of Columbia. These facts will have an important bearing on whether the members of the 50 State legislatures will give us national representation in the Congress of the United States.

Sincerely yours,

IRVING SCHLAIFER.

The CHAIRMAN. Mr. Herbert Leeman.

STATEMENT OF HERBERT LEEMAN, WASHINGTON, D.C.

Mr. LEEMAN. This is hardly a statement.

My name is Herbert Leeman, I reside at 1609 Hobart Street, Washington, D.C. I am a native-born, lifelong resident of the District of Columbia. I am president of the Central Suffrage Conference of the District of Columbia and a past president of the Federation of Citizens Associations of the District of Columbia.

I am appearing here today as a resident and not in a representative capacity.

I am in favor of what is commonly called national representation for the District of Columbia, and the legislation proposed in the bill being considered by this subcommittee.

I believe the various phases of the proposed legislation have already been adequately discussed, and I can only add that the situation is similar to that which prevailed when the matter of the Cultural Center for the District of Columbia was being considered. At that time Mr. Benjamin McKelway, editor of the Evening Star newspaper, summed it up by saying that it is unique when practically all of the citizens and local organizations, including the Board of Trade, the Federation of Citizens Associations, the trade unions, the veterans organizations, and the League of Women Voters, are all in agreement.

As everybody seems to be in favor of the proposed legislation, I sincerely trust and hope that we can have early favorable action by the Judiciary Committee so that it can be enacted into law before the adjournment of this session of this Congress.

Thank you, Mr. Chairman.

The CHAIRMAN. Mrs. Samuel Bigio, president, Shepard Park Citizens Association. I will ask you to submit your statement.

STATEMENT OF MRS. SAMUEL BIGIO, PRESIDENT, SHEPARD PARK CITIZENS ASSOCIATION

Mrs. BIGIO. May I say a few words? I will submit this very brief statement.

I am Mrs. Samuel Bigio and I reside at 7636 17th Street NW. You have heard from our legislators and from our heads of our city, and from the local levels.

I would like you to know that I represent the grassroots, so to speak; I represent a community of approximately 1,600 homes—single home dwellings, and a high income group. I know that we go back as far as a fifth generation of Washingtonians.

The question has been asked repeatedly as to whether or not these people reside in other cities and maintain residence and can vote elsewhere. I can safely say that the majority of citizens in this fine community have been residing here for many, many years and are happy to endorse the resolution on the floor.

Thank you very much for your time.

Mr. McCULLOCH. Mr. Chairman, I would like to ask a question.

Have you and your group taken any position on local home rule?

Mrs. BIGIO. I am glad you asked me that, Congressman McCulloch. Many years ago I was shocked at the action taken by the group. There were about 30 citizens present and took a vote on home rule. There were no sides representing home rule versus national representation, so that they could get a clear picture of the Nation's Capital and the importance of having it politically free in this democratic Nation of ours. Therefore, I can only state for the record that there was a very small group which were represented at the time, and, therefore, I didn't feel that the feeling, the consensus of opinion of the entire community, was represented truly. And I do know that they are interested in voting for President and Vice President and especially for representation in the House of Representatives, and we hope some day, maybe, you will give us some thought in the Senate, too.

Mr. McCULLOCH. I conclude from your statement that you do not know whether your group is for local home rule or against it.

Mrs. BIGIO. We haven't had any—

Mr. McCULLOCH. And that is no reflection.

Mrs. BIGIO. I understand perfectly well. Home rule came up on the floor a few years back, and without any thought, the group took action, and that is all I can state.

Mr. McCULLOCH. What was the action?

Mrs. BIGIO. However—

Mr. McCULLOCH. What was the action?

Mrs. BIGIO. That they were in favor of home rule. And home rule as such many people don't understand. But in the past 2 years we have learned to realize the true meaning of home rule and national representation. There are many versions, and it is most conflicting.

The CHAIRMAN. Thank you.

That will terminate the oral testimony. The record will be kept open for written statements for a period of 1 week.

At this point in the record I would like to include letters and other informative communications received by the subcommittee.

(The correspondence referred to is as follows:)

STATEMENT OF HERBERT BORCHARDT, COMMANDER, DISTRICT OF COLUMBIA DEPARTMENT, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. Chairman and members of the committee, my name is Herbert Borchardt. I am commander of the District of Columbia Department of the Veterans of Foreign Wars of the United States, whose members are honored with the distinction of having served overseas in our country's Armed Forces in times of national peril.

In the military service we fought for preservation of our American ideals and institutions of justice and democracy.

Now as civilians, we continue our active support of these principles. We observe our obligation to inspire in the hearts and minds of our fellow citizens—particularly our younger people—a warmer appreciation of our form of government, of the American democratic system.

For example, only recently the Veterans of Foreign Wars climaxed—right here in Washington—a national contest among teenagers. Each State had sent the high school student who had been chosen, through statewide competition, as outstanding in presenting on television a speech entitled, "I Speak for Democracy."

Yes, students from our District of Columbia high schools participated. They too, paid sincere tribute to our proud heritage of true democracy in the United States. It is ironical that their own parents are denied the rights and benefits of democracy.

For citizens of their own hometown are the only Americans who do not have the right to a voice in the selection of the men who will hold the highest offices under our form of government. We contend that this is a condition of neither justice nor democracy. It should be corrected.

So our organization endorses the principles and pleas which have been submitted here by the Citizens Joint Committee on National Representation for the District of Columbia.

STATEMENT OF BERTHA McNEILL, PRESIDENT OF THE DISTRICT OF COLUMBIA AREA
BRANCH OF THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, RE
SENATE JOINT RESOLUTION 39

We wish to be recorded as supporting the provisions of Senate Joint Resolution 39. We believe the citizens of the District of Columbia should be able to exercise all of the rights of other American citizens.

Our support of Senate Joint Resolution 39 in no way invalidates our statement in support of home rule for the District of Columbia, which we believe should be voted by the Congress without further delay:

PEOPLE'S CONGREGATIONAL CHURCH,
Washington, D.C., April 5, 1960.

HON. EMANUEL CELLER,
*Chairman, House Judiciary Subcommittee,
House Office Building, Washington, D.C.*

DEAR SIR: Please file the enclosed statement in the record of the hearings on House Joint Resolution 529. We thank you.

Very truly yours,

Mrs. MARGARET P. McCANE,
Chairman, Christian Social Action Committee.

Re House Joint Resolution 529.

HON. EMANUEL CELLER,
*Chairman, House Judiciary Subcommittee,
House Office Building, Washington, D.C.*

DEAR SIR: This is to inform you that the Christian Social Action Committee of People's Congregational Church fully endorses and supports the constitutional amendment granting District of Columbia residents national representation.

Native Washingtonians, and those of us who have made this city our home, feel keenly that we have no choice in the matter of national representation. We have borne patiently taxation without representation. Therefore, we urge positive and affirmative action of your committee on the above resolution.

Please enter our statement of endorsement as part of the record.

Yours truly,

Mrs. MARGARET P. McCANE,
*Chairman, Christian Social Action Committee,
People's Congregational Church.*

DISTRICT OF COLUMBIA STATEHOOD COMMITTEE,
Washington, D.C., March 30, 1960.

HON. EMANUEL CELLER,
*Chairman, the Judiciary Committee,
U.S. House of Representatives, Washington, D.C.*

DEAR MR. CELLER: I would appreciate it if the following statement would be made a part of the record in the hearings on House Joint Resolution 529.

I respectfully submit that the territory now known as the District of Columbia is entitled to recognition as a part of the State of Maryland for purposes of national representation. When the Constitution was ratified on June 21, 1788, the District of Columbia was a part of the State of Maryland for all purposes. In 1800 when the National Government moved to Washington, sovereignty over the local government was transferred from Maryland to Congress.

Almost everyone since 1800 has assumed that the transfer of the local government has separated the District of Columbia from the State of Maryland for purposes of National Government as well as for purposes of local government. I disagree. Cessiou merely nationalized the local government and had no legitimate relationship to the manner in which District of Columbia residents were entitled to exercise their national franchise.

Under this interpretation, Congress should pass a simple resolution recognizing the District of Columbia as a part of the State of Maryland for purposes of national representation.

Therefore, I am opposed to House Joint Resolution 529.

Sincerely,

BILL ALBAUGH, *Acting Secretary.*

STATEMENT OF OSCAR I. DODEK, PRESIDENT, MERCHANTS & MANUFACTURERS ASSOCIATION, ON THE BILL TO PROVIDE FOR NATIONAL REPRESENTATION FOR CITIZENS OF THE DISTRICT OF COLUMBIA

My name is Oscar I. Dodek, and I am president of the Merchants & Manufacturers Association. The association, now 40 years old, represents over 400 of the leading business firms of Washington. The board of governors of my association has unanimously supported the legislation now before you which would give the citizens of Washington the right to vote for the President and Vice President of the United States and which would also give those citizens representation in the Congress. I appear before you today at the direction of my board.

My statement will be very brief because we are in complete agreement with the statement which has been presented by the Citizens' Joint Committee on National Representation for the District of Columbia and we do not want to take the time of this committee today to restate that organization's belief, and policies.

However, the brevity of this statement should not be construed to mean that this organization is not vitally interested in this legislation. We are completely in support of the bill before you today and strongly urge you to favorably report the measure and to support it when it comes before the House.

Respectfully submitted,

OSCAR I. DODEK, *President.*

TESTIMONY OF MORTON GLUCK, CHAIRMAN OF THE HOME RULE COMMITTEE OF ADA ON BEHALF OF WASHINGTON CHAPTER, AMERICANS FOR DEMOCRATIC ACTION, ON CONSTITUTIONAL AMENDMENT TO GRANT NATIONAL VOTING RIGHTS TO THE DISTRICT OF COLUMBIA

1. The Washington Chapter of Americans for Democratic Action has always supported the extension of national representation to the people of the District of Columbia. We do not believe it is necessary to justify, before this committee, an extension of democratic rights to the people of the Nation's Capital.

2. In the past, we 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. We recognize, however, that this present effort is a sincere and meaningful one. We are grateful that the supporters of this constitutional amendment recognize that it is neither a substitute for local home rule, nor should it be used to lessen the effort to achieve home rule.

3. In the area of home rule, the ADA has been willing, although reluctantly, to accept a partial grant. We feel that once the people of Washington have demonstrated their capacity to govern themselves in a responsible manner, it will be relatively easy to perfect home rule through the normal congressional process. The process of amending the Constitution, however, is a slow and cautious one. Gaining approval of the legislatures of three-fourths of the States will be a difficult process. Once we have gained national representation, it will be even more difficult to return to these State legislatures and enlist their support for an additional amendment granting the District its full representation. It is essential therefore that any proposal to change the Constitution should be as near to perfection, as close to our ultimate objectives, as possible.

4. The proposed Senate amendment made no provision for District representation in the Senate. In the early days of our Nation, the Senate was expected to be a senior advisory council to the President, selected by the various State governments. Today the Senate represents the people of the various States; although each house has primacy in certain legislative areas, the two share the national legislative authority between them. To deprive the people of the District of representation in the Senate, regardless of the type of representation they are granted in the House, gives each Washingtonian only a half vote in the Federal legislature.

5. Apparently operating on the same theory as the Senate amendment, House Joint Resolution 529 also makes no provision for District representation in the Senate. House Joint Resolution 529 further limits the representation of the District by reducing its membership in the electoral college. Washington will have a smaller voice in selection of the President than some 15 States with equal or less population; indeed it may have a smaller electoral vote than States less than half its size. The President of the United States represents the whole people of the United States, not its acreage; he should represent them all equally. There is no reason why the District citizen should have only a fractional vote for President.

6. An additional deficiency is that which provides that the District's delegates in Congress shall be limited in powers to those which the Congress shall determine. We would hope that Congress would speedily grant full legislative authority to the District delegates. But we fear our delegates in Congress may be doomed to impotency by the same hostile forces that today are frustrating the achievement of home rule.

7. We believe the people of Washington have been exceedingly patient in this long wait for meaningful citizenship. First on home rule and now on national representation they have demonstrated a willingness to sacrifice essential rights in order to gain an immediate fraction. But now we are in danger of losing the last shred of substance. We do not regard participation in national elections as recreation; we believe a vote has significance only as it results in a significant influence on the course of political events—a meaningful share of political power.

8. The people of Washington are subject to taxes, military service and other obligations of citizenship equally with all other citizens. The course of national politics and foreign policy affects their daily lives as it does the lives of all other Americans. Like all other Americans, we deserve the right to make our voices heard in a political meaningful manner—through voting members in both Houses and through a voice in national elections that will influence the course of such elections to the extent our numbers deserve.

We urge the committee to report out a bill which grants full national representation to the people of the Nation's Capital.

Thank you very much for this opportunity to be heard.

My name is Sadye F. Meltzer. I am secretary of and represent the Lamond-Riggs Citizens' Association, a citizen group located in the upper northeast section of Washington, with a paid-up active membership of almost 1,200 families. Many months ago our organization voted to support the principle involved in the proposed constitutional amendment to let citizens of the District of Columbia vote for President, Vice President, and delegates to the House of Representatives.

In this juncture of world history, when it is so necessary to prove to the emerging new nations of Asia and Africa that the democratic principle represents the highest aspiration of political man, it is most undemocratic to continue to keep the citizens of the Nation's Capital, who in all other respects carry the same burdens in their relationship to their Government as do non-District citizens in the position of second-class citizens.

May we as citizens hope that the current Congress by passage of the amendment now under consideration, will at long last lay the basis for undoing the century-old injustice under which citizens of the District have lived.

JUNIOR BAR SECTION,
BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA,
Washington, D.C., April 7, 1960.

Re: Senate Joint Resolution 39 and House Joint Resolution 29.

HON. EMANUEL CELLER,
*Chairman, House Judiciary Committee,
House of Representatives, Washington, D.C.*

DEAR MR. CELLER: In view of the fact that the Bar Association of the District of Columbia testified in support of Senate Joint Resolution 39 and your bill, House Joint Resolution 529, the Junior Bar Section of the Bar Association of the District of Columbia felt that any attempt to make additional statements could not help expedite this legislation. However, we do strongly support this legislation and request that our short statement be included in the record.

The young lawyers in the District of Columbia are grateful to you for your assistance in helping us to achieve voting rights.

Sincerely yours,

WALTER FRANKLIN SHEBLE.

STATEMENT OF WALTER F. SHEBLE, CHAIRMAN, JUNIOR BAR SECTION, BAR
ASSOCIATION OF THE DISTRICT OF COLUMBIA

The Junior Bar Section of the Bar Association of the District of Columbia, representing some 875 young attorneys practicing in the Washington metropolitan area, offers its wholehearted support for Senate Joint Resolution 39 and House Joint Resolution 529—national suffrage for the citizens of the District of Columbia.

In our work as young lawyers in the courts and in the community we are conscious that President and Vice President of the United States are particularly important Government officials with reference to the day-to-day functioning of the Washington community. The President appoints the executive government of Washington, D.C., and, directly or indirectly, many of the officers of the local government. In addition, all of the judges of our courts from the lowest to the highest are nominated for office by the President. These decisions have a vital effect on those of us who live and earn our living in the Nation's Capital.

The same argument can be made with reference to the activities of the House of Representatives since the Constitution places in the Congress the power to legislate for and govern the District of Columbia. In this great forum where matters of utmost concern to citizens of the District of Columbia are decided, we feel that delegates from the District of Columbia could be especially helpful to the House by providing particular knowledge and assistance on District problems.

We earnestly request an opportunity to share with our fellow Americans these important privileges and rights of citizenship.

UTICA, N.Y., April 4, 1960.

HON. EMANUEL CELLER,
House Committee on Judiciary, U.S. Capitol, Washington, D.C.:

Regret deeply impossible for me to attend hearing on bills to give voteless District of Columbia citizens a vote in national elections and representation in Congress. As president of the Columbia Historical Society, commander in chief in Military Order of the Loyal Legion, and Washington representative of Sons of Union Veterans of Civil War, I respectfully urge favorable action on any such legislation.

U. S. GRANT III,
Major General, USA (Retired).

To the House Judiciary Committee:

My name is Charles W. Cobb, Jr., and my address is 6347 North Washington Boulevard, Arlington, Va. I am a graduate of Howard Law School and of Amherst College where I majored in political science. For a brief period I lived in the District of Columbia, but I moved to Virginia to be able to vote locally. I am glad to hear that Chairman Celler of your committee has introduced a constitutional amendment to give the District of Columbia national representation, but I feel that it is seriously in need of amendment and improvement. Because of the fact that it is relatively permanent, a constitutional amendment should cover the entire situation, and is different from a statute which might be modified a year or two later after its operation has been studied. Therefore I submit that the Celler proposal should be modified so as to provide two delegates to the U.S. Senate from the District of Columbia in addition to such delegates to the House as its population may justify, and the number of Presidential electors should reflect these two delegates to the Senate, as the recently passed Senate version provides. Also the constitutional amendment should specify that these delegates from the District of Columbia to the House and Senate would be voting Members of those bodies, with all the rights and privileges of the other Members.

Indeed I feel that they should be called Senators and Representatives rather than merely delegates. Giving them these titles would not alter the fact that the District of Columbia is under the jurisdiction of Congress and is not a State. I also propose that the constitutional amendment repeal the present 10 square mile limitation on the size of the District of Columbia. In the present artificial situation the percentage of poor people, especially Negroes, will become steadily larger as the richer whites continue to move to nearby Maryland and Virginia. I would like to see the Maryland counties of Montgomery and Prince Georges become a part of the District of Columbia as well as the 10th Congressional District of Virginia and part of the 8th.

WASHINGTON, D.C., April 2, 1960.

HON. EMANUEL CELLER,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I notice that there are to be hearings on national representation for the District of Columbia, and particularly on your House Joint Resolution 529, on April 6 and 7. I hope to attend at least part of the hearings, and might want to be heard if there is time and my point of view is not sufficiently covered by other speakers. While I am not at this time representing any group of citizens, I have been actively in favor of national representation for many years (dating back even beyond my first appearance in print in a national magazine, the *Political Science Quarterly*, 50 years ago when I was only a college freshman).

I find one serious defect in House Joint Resolution 529. It creates a new kind of office in the U.S. Government, which might or might not have full powers of membership in the Congress at the option of Congress itself. The title of "Delegate" has heretofore been applied to persons representing the territories, but that has not been an office set up by the Constitution, and if that is all that is intended for the District (as is implied by the use of the title), Congress should go ahead and give the District some Delegates without bothering to put this into a constitutional amendment. If, on the other hand, the District's representation is to have some status as real constitutional Members of the House, the title "Representative" should be used, with the same qualifications, powers, etc., as fully prescribed by the Constitution. If recognition is at last to be given by the Constitution to the fact that there are many citizens living here in a Federal area instead of in a State and needing representation in their National Government, there is no reason why citizens living in a congressional district here should have any inferior status. No constitutional amendment should create second-class Members in either House of Congress (the Territorial Delegates not having been real Members of Congress).

Any constitutional amendment should be adequate on its subject, with no need to go back later for another amendment. As Congress has power to admit new States to representation, and has exclusive powers over the seat of government except to give it national representation, why not give this latter power

to Congress also? Such an amendment was most favored for a number of years (in the time of Senator Capper and Representative Sumners), and it is still the most logical and adequate type, if leaving to future congressional judgment with respect to whether or how much representation in House, Senate, and electoral college without tampering with constitutional powers which should belong to all members of those bodies.

Sincerely yours,

GEORGE W. HODGKINS.

WASHINGTON, D.C., April 3, 1960.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives,
Washington, District-State of Columbia.*

DEAR CONGRESSMAN CELLER: This is written in application for an opportunity to testify at the public hearing by your committee, concerning improvement of the status of American citizenship in the District-State of Columbia.

In case that privilege and honor cannot be granted will you kindly enter this letter on the record of that public hearing, as the expression of my view on the proper way to handle this simple, yet vexing problem, so long mishandled in the past.

It happens that the city of Washington is territorially coextensive with the District-State of Columbia, and this simple fact has been long used as an international stumbling block to prevent the right solution of District-State voting franchise. Yet the condition is not too exceptional. Cook County, Ill., and the city of Chicago exemplify the same condition, as does also Brooklyn Borough of New York City, and Kings County, New York State.

The simple fact that has been intentionally overlooked in order to prevent or postpone proper solution of the problem, is that only through recognition of the priority of quasi-statehood status of the District-State of Columbia, can its residents be granted national representation. Cities are not represented in Congress, such quasi-statehood status has existed in the District-State of Columbia (although intentionally overlooked or ignored) since the adoption of our Federal Constitution in 1787—when there was no city of Washington.

It is a well recognized principle of American jurisprudence that the intent of the lawmakers is the law. Certainly this applies to the Federal Constitution—our basic national law—even more than to any subsidiary legislation under it. With equal certainty, the framers of the Constitution—men of the highest intelligence and integrity—had no intent to deprive citizens of the District-State of Columbia (the Capital of the Nation) of the right to national representation which goes with the duty of taxpaying—a right for which the Revolution had just been fought to success and which was, therefore, uppermost in the minds of these framers of the Constitution. The recorded views of James Madison, father of the Constitution, supply direct documentary evidence that this was not only the logical and ethical, but also the actual intent of himself and his colleagues in the Constitutional Convention of 1787.

The practical point thus proven is that representation in both Houses of Congress and in the electoral college was written into the Constitution in 1787 and that no constitutional amendment is necessary in order to provide quasi-statehood status for the District-State of Columbia—the same as the status of every other State of the Union—except that Congress has (and should continue to have) full control over District-State legislation, as provided by article I, section 8, paragraph 17, of the Federal Constitution.

This provision was merely a very wise measure in 1787: At present it is nothing less than providential—and for two very important reasons, one highly legitimate, the other considerably contemptible, yet still to be regarded and weighed.

In the first place, the population of the District-State of Columbia exceeds that of 12 or 14 other States of the Union. For various causes, it is a highly intelligent population. By reason of the provision of the Constitution, above cited, this large and highly intelligent population is under the immediate and continuous and complete legislative supervision and control of Congress. This same condition exists, and can exist, nowhere else in our Nation. It provides an invaluable, an essential opportunity for legislative experimentation toward an ever-increasing degree of democracy, without danger of serious mishap therefrom. The present world crisis is caused by a struggle between democracy and

despotism. Every aid toward higher democracy will be an aid to our Nation in this world struggle. A constitutional amendment giving full statehood to the District-State of Columbia, would destroy this tremendously valuable potential which exists under a quasi-statehood status. We must not weaken our Nation by this stupid and vicious action.

Somewhat contemptibly, but still factually, there is fear in some quarters concerning the rising tide of Negro population in the District-State of Columbia. I do not have this undemocratic, un-American, un-Christian fear of Negroes (who are also spiritual children of God), but for those who do have it, the continuous control of Congress over District-State legislation provides complete assurance against Negroes dominating the District-State government. It will be found that Negroes will have a high score in American citizenship when they are given voting franchise in the District-State of Columbia. It is beneath contempt to deprive white residents of the District-State of this right, in order to penalize Negroes for nothing more vicious than pigmentation of the skin. Such bigotry must have no further control over the status of citizenship in the District-State of Columbia.

Coming back to the subject of territorial coextensiveness, the setting up of a quasi-statehood status for the District-State of Columbia (with a Governor and other State executives, with a District-State assembly—strictly subsidiary, yet helpful, to Congress in legislative matters—and with a District-State judiciary entirely separate from the Federal court system, all of these State officials elected by citizens of the District-State)—this setup will provide all necessary home rule for citizens of the District-State. It would be stupid, maybe vicious, to duplicate this State government setup with a Washington city government. That would be sure to set up continuous probability of friction between the District-State government and its needless duplication through a Washington city government. How stupid must we be in coordinating national representation with home rule, when the same setup will provide both.

Therefore, I propose that this simple and long-mishandled problem be settled in the optimum and immediate way by an ordinary act of Congress, implementing in detail what the Constitution already provides—quasi-statehood status for the District-State of Columbia, and admitting the District-State as the 51st State in the Union. This could be done in the present session of Congress in time to permit District-State residents (bona fide residents, of course, and exclusive residents here) representation in the present session of Congress and in the electoral college of 1960.

I have tried to make this as compact a presentation as can be made of this highly important topic.

Please accept my thanks for your patience in hearing my views upon it.

Sincerely,

DAVID DARRIN,

All-American Candidate in 1960 for President of the United States.

(Boys' High School, Brooklyn, 1901-03; longtime friend of the late Dr. A. A. Tavsk, for many years principal at Boys' High School.)

ROCKVILLE, MD., April 8, 1960.

HON. EMANUEL W. CELLER,
House Office Building, Washington, D.C.:

The delegates' assembly of Montgomery County Education Association, representing over 3,000 teachers in this suburban county, passed a resolution yesterday urging favorable action of the bill now before your committee to grant voting rights in presidential election to residents of the District of Columbia.

ARTHUR SIMONDS, JR.,
Executive Secretary.

BRIEF REVIEW OF APPORTIONMENT AND DISTRICTING REQUIREMENTS, WITH A SUMMARY ANALYSIS OF H.R. 73 AND H.R. 575 (BOTH 86TH CONG., 1ST SESS.), AS VIEWED IN THE LIGHT THEREOF

AUTHORITY FOR APPORTIONMENT

The basis for apportioning Representatives in Congress among the several States is set forth in the Constitution (art. I, sec. 2, par. 3, as amended by the 14th amendment, sec. 2):

"Representatives shall be apportioned among the several States which may be included within this Union according to their respective numbers and excluding Indians not taxed. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative."

The authority for regulating the election of Representatives to Congress is vested in Congress by the Constitution (art. I, sec. 4):

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

And it is within the power of Congress to establish standards which the States must follow in redistricting congressional districts (*Smiley v. Holm*, 1931, 285 U.S. 355).

The 14th amendment (sec. 2, which affected article I, section 2, above, states:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed."

Thus, it can be seen that the Constitution assigns to the legislature of each State the right to choose, the time, place, and manner of holding elections for Representatives to the House subject to congressional standards when enacted.

APPORTIONMENT PROCEDURE

Under existing law the apportioning of membership in the House is automatic and because of this feature it is often referred to as the Automatic Apportionment Act (1929).

The President submits to Congress (on the 5th day, or within 1 week thereafter, of the convening of each 5th Congress after the 82d) a statement showing the whole number of persons in each State (excluding Indians not taxed) as ascertained under the decennial census of population and the number of Representatives each State is entitled to have on the basis of that census apportioned to the States by the method of equal proportions using the existing size of the House¹ for arriving at the ratio (2 U.S.C. 2a(b)).

Then, within 15 days after receipt of the President's statement, the Clerk of the House sends to each Governor a certificate of the number of Representatives that State is entitled to have in the ensuing Congress. This is the method that applies unless Congress enacts a change in the size of the House or the method of computation (2 U.S.C. 2a(b)).

METHODS OF APPORTIONMENT

Methods used

1790: Congress selected constitutional minimum of 30,000 as the size of each district.

1790-1830: Method of rejected fractions; population of each State divided by "fixed ratio" of 33,000 (1792).

1832: Method of rejected fractions attacked by Daniel Webster who also pointed out that the apportionment clause of the Constitution did not require absolute relative equality but merely as near as may be equal.

1840: Method of 1840 adopted; ratio of 1 Representative for every 70,680 persons fixed by Congress. (This method was never used again.)

¹ The present size of the House, 435 seats, was established in 1911. Membership gradually increased from the original 65 to 105 (1792), 141 (1803), 181 (1811), 212 (1822), 240 (1832), 223 (1842), 233 (1850), 234 (1852), 233 (1860), 241 (1862), 242 (1862), 253 (1872), 292 (1872), 325 (1882), 356 (1891), 386 (1901). It should be here noted that with the admission of Alaska the House now has 436 seats and with the effective date, the House will be increased to 437 for Hawaii, and unless there is legislation concerning the size of the House it will automatically revert to 435 following the 1960 census with at least 1 Representative for Alaska and at least 1 for Hawaii and the remaining 433 Representatives will be apportioned as above described.

1850-90: Vinton method; Congress fixed size of House desired and then distributed the seats by this method.

1881: "Alabama paradox" first appeared resulting from use of Vinton method.

1911: Method of major fractions adopted by Congress.

1941: Method of equal proportions adopted by Congress (by amendment to the act of 1929).

Description of methods

As soon as the census of 1790 had been taken Congress selected the constitutional minimum of 30,000 as the size of each district for the basis of redistributing seats in the House.

If the population of each State had been an exact multiple of 30,000 the task would have been easy, but what should be done if Vermont had 85,532; New Jersey 179,556; Virginia 630,558; etc.? What should be done with these variations from exact equality?

Three different solutions were tried before 1910: (a) Method of rejected fractions, (b) method of 1840, and (c) Vinton method.

(a) *Method of rejected fractions.*—This method disregarded fractions entirely and applied to the apportionments based on the census of 1790-1830, inclusive. The population of each State was divided by a fixed ratio (33,000 in 1792 and 1802, 35,000 in 1811, 40,000 in 1822, and 47,700 in 1832) and gave to that State the number of Representatives expressed by the Integer in its quotient without reference to fractions. Thus, with a ratio of 33,000, Vermont received 2 Members for an exact quotient of 2.592, New Jersey 5 for 5.441, and Virginia 19 for 19.108, except that each State with a quotient below 1.00 received 1 Representative. This resulted in great inequality between States and congressional districts were very unequal (in 1792, a Vermont district contained 42,766 inhabitants, a New Jersey district 35,911, and a Virginia district only 33,187) and the whole population of a State with relatively large districts was underrepresented.

The great inequalities of this method were vigorously attacked by Daniel Webster in 1832, and he urged a method which would assign an additional Representative to each State with a large fraction. His plan fixed a size for the House in advance, divided this into the total national "representative population" and used the quotient as his fixed ratio. He started the principle for interpreting the apportionment clause of the Constitution as not enjoining an absolute relative equality—because that would be demanding an impossibility—but as requiring Congress to make the apportionment of Representatives among the States according to their respective numbers as near may be. (This led to the insertion of "as nearly as may be" in many State apportionment provisions and is much cited in State decisions.)

(b) *Method of 1840.*—The 1840 census was followed by the adoption of this method which somewhat resembled Webster's plan.

After fixing a ratio of 1 Representative for every 70,680 persons, Congress provided that each State having in its quotient a fraction greater than one-half of the ratio should be assigned an additional Representative; and in accordance with this calculation specified the number of Representatives for each State. This method was never used again.

Criticism of methods: Besides failing to measure inequalities scientifically, the two methods above described were open to two serious objections. First: they were subject to a defect called the "population paradox"—that is, startling fluctuations in the size of the House might occur without relation to any change in the total population of the country and with no alteration in the "fixed ratio of population per Representative." The size of the House might even decrease considerably, although the total population had largely increased. Secondly: they left the size of the House undetermined until the whole calculation had been completed. As the rapidly increasing population of the country produced a larger and larger membership, the physical limits of the Chamber, the inconvenience of discussion in a large group and other reasons created a strong desire to maintain in successive reapportionments an approximate maximum of membership for the entire country. Consequently the emphasis has shifted from the size of an ideal district to the size of an ideal House, and the problem of apportionment is thereby greatly complicated.

(c) *Vinton method.*—From 1850 through 1900 Congress first fixed a desired size for the House, and then distributed the seats according to the Vinton method, named for the Congressman who presented it.

The method was applied as follows: First: Compute the ratio of population to Representatives or average congressional district by dividing the total representative population of the country by the total desired number of Representatives. Then: Divide the population of each State by this ratio and assign to each State a number of Representatives equal to the whole number in the quotient for that State. States with a quotient less than one are treated specially and each given one Representative. Third: To make up the required size of the House, assign additional Representatives for fractions in the quotient beginning with the State which has the largest fraction.

Criticism of method: This method had the distinct advantage of making it possible to fix the size of the House in advance and to regard at least the largest fractions. But—it suffered from a fatal defect called the Alabama paradox. That is, with no corresponding change in population, an increase in the total size of the House might be accompanied by an actual loss of one seat by some State. This paradox first came to the attention of Congress in tables prepared in 1881, which gave Alabama 8 members in a House of 299 and only 7 members in a House of 300, although the population of Alabama had actually increased. In 1900, by this method Maine retained 4 members in a House of 383, 384 and 385. When 386 were apportioned Maine dropped to 3, but came back to 4 for 387 and 388. It dropped back to 3 for 389 and 390, but rose to 4 for 391 and stayed there. "Now you see it, now you don't. (Representative Littlefield, Maine)—Colorado got 2 members in a House of 357 or 358 and 3 members in both smaller and larger Houses.

It might even happen that the State which lost a seat in this way was the one State which expanded in population, while all other States had shrunk.

(In a House of 100 members, three States having populations of 453,320; 443,310; and, 103,370 would have respectively 45, 44 and 11 Representatives. In a House of 101 members three States having populations of 452,170; 442,260; 105,570 would have respectively 46, 45 and 10 Representatives. Thus, the two States which had lost in population would have gained a Representative, whereas the State which had gained in population would have lost one.)

The following is a list of method which are subject to the "Alabama paradox" (reasons are omitted for sake of brevity):

Vinton method.

Modified Vinton method.

Method of alternate ratios.

Method of minimum range.

Method of minimum inverse range.

To avoid the paradoxes shown above only 5 known methods offered a workable solution:

Method of equal proportions.

Method of harmonic means.

Method of major fractions.

Method of smallest divisors.

Method of greatest divisors.

The method of equal proportions was first published in 1921 by Prof. Huntington and was unanimously endorsed by the advisory committee to the Director of Census and by a specially appointed committee of the National Academy of Sciences. It provides a direct and simple test which shows at once whether each State is as nearly as possible on a parity with each other State with respect both to size of districts and to representation per million inhabitants. In measuring inequality of districts, the disparity between two States is defined as the percentage by which the congressional district in one State exceeds the district in another State. Similarly, the inequality in representation per million inhabitants is measured by the percentage by which that representation in one State exceeds the representation in another. An apportionment made by method of equal proportions is one which cannot be improved by any transfer of a seat from any State to any other State; because any such transfer will be found to increase rather than decrease the amount of disparity between the two States; this will be true whether equality of districts is considered or equality of representation per million inhabitants.

In applying several tests to the foregoing five methods to measure "inequality" it was found that the method of equal proportions survived more tests than the other methods. Furthermore it was recommended by the Census Advisory Committee in 1921 which studied the mathematical aspects of apportionment as consistent with the literal meaning of the words of the Constitution. A com-

mittee of the National Academy of Sciences preferred the method of equal proportions as satisfying the test of proportionality when applied either to sizes of congressional districts or to number of Representatives per person and because it occupies mathematically a neutral position with respect to emphasis on larger and smaller States. (Report No. 30, Feb. 5, 1941, 77th Cong., 1st sess., accompanying H.R. 2065.)

Method of major fractions.—First used in reapportionment following the 1910 census. In 1940 a controversy arose over its use. It was found that the use of this method gave Michigan 18 seats in the House and Arkansas 6; whereas, by the method of equal proportions, Michigan would have been allotted 17 seats and Arkansas 7. On November 25, 1941, the 77th Congress amended the law of 1929 and substituted the method of equal proportions for this method. (Report No. 30, 77th Cong., 1st sess.)

CONGRESSIONAL DISTRICTS

There is no constitutional requirement that Representatives be elected by districts and prior to 1842 Congress made no requirements for districting and there was the greatest diversity among States in the manner of choosing Representatives.

Prior legislation as to districting

By act of 1842,¹ Congress provided for election of Representatives by districts composed of contiguous territory. In 1850² Congress dropped the requirement for election of Representatives by districts but in 1862³ resumed the requirement. In 1872⁴ a further provision was added requiring districts to be as nearly as practicable equal in number of inhabitants and this requirement of equality was repeated in the later enactments in 1882,⁵ 1891,⁶ and 1901⁷ which added a further requirement to the aforementioned standards, namely, compact territory. The act of 1911⁸ finalized the standards adopted in the preceding acts by requiring districts to be "contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants."

Except for the act of 1850, all the acts from 1842 to 1911, inclusive, contained substantially the same provisions as to requirements of compactness, contiguity, and equality in population in the new districts in which Representatives were to be elected under the new apportionment. In each instance the acts specifically addressed those standards to elections of Representatives "under this apportionment," meaning, the apportionment made by that particular act.

Congress, however, never attempted to enforce the standards set out in the districting provisions of the several apportionment acts it has passed.

At least three efforts were made to prevent seating of Members from districts which did not conform to the statutory requirements, but each time the House accepted the contested Member (Laurence F. Schmeckebier, "Congressional Apportionment," 1941, pp. 132-138).

Present requirements as to districting

The reapportionment act following that of 1911 was the act of 1929 (46 Stat. 21, 26) and it is that act as amended in 1941 (whereby the method of equal proportions was adopted) which is now operative.

Under the present act there is no Federal requirement for districting and there are no requirements as to compactness, contiguity, and equality of population of districts created by a State. The omission was deliberate. (See *Wood v. Broom*, 287 U.S. 1 (1932).)

¹ June 25, 1842 (5 Stat. 491).

² 9 Stat. 432.

³ 12 Stat. 572.

⁴ Feb. 2, 1872 (17 Stat. 28) (Ninth Census).

⁵ Feb. 25, 1882 (22 Stat. 5) (Tenth Census).

⁶ Feb. 7, 1891 (26 Stat. 735) (Eleventh Census).

⁷ Jan. 16, 1901 (31 Stat. 733) (Twelfth Census).

⁸ Aug. 8, 1911 (37 Stat. 13) (Thirteenth Census).

That there is no present Federal legislation requiring congressional districts is a throwback to pre-1842 years. That as to the districts in a State the lack of Federal requirements that the districts be equal, compact, or contiguous is an extinction of standards developed from 1842 to 1911. The standards of those years were not extended into the act of 1929, nor were they extendable for, as pointed out, those standards applied only during the operation of the acts in which they were set out.

And, if State legislatures do not choose to redistrict after a Federal apportionment (see "Apportionment Procedure," *infra*) the law as it now stands provides that in such event if the State's apportionment is unchanged the State's method of districting and elections remain unchanged. If, however, the State's membership has increased, the newly allotted Representatives are to be elected from the State at large.

Where the number of Representatives has been decreased, one of three steps is prescribed: (1) If the number of districts in the State is equal to the number of Representatives, the Representatives may continue to be elected from existing districts. (2) If there are fewer districts than Representatives, the extra Representatives may continue to be elected at large and the others from the existing districts. (3) If there are more districts than Representatives, all Representatives must be elected from the State at large (2 U.S.C. 2a (c); *Smiley v. Holm*, 1931, 285 U.S. 355; *Koenig v. Flynn*, 1931, 285 U.S. 375).

Scope of H.R. 73 (86th Cong., 1st sess.)

From a review of the past apportionment acts and the present law, H.R. 73, in effect, proposes to—

- (1) Reestablish the Federal requirement for congressional districts in States;
- (2) Reestablish the standards of contiguity and compactness;
- (3) Reestablish the standard of equality of population with a spelled-out method of equalizing the districts plus a 20 percent variation allowance;
- (4) Create a right to judicially review possible breaches of prescribed standards and a mandate to the courts to review same in an action brought before it and vests the court with the authority to so act.

Effect of H.R. 73:

- (a) Eliminate at-large representation;
- (b) Curb gerrymandering;
- (c) Prevent "rotten boroughs";
- (d) Allows indisputable access to Federal courts to decide abuses. (Removes any doubt that districting questions are questions of fact properly juridical.)

Retains:

- (a) Feature of automatic apportionment;
- (b) Method of equal proportions.

Scope of H.R. 575 (86th Cong., 1st sess.)

Proposes to:

- (1) Same as above;
- (2) Same as above except that there is no provision as in the above bill that compactness be "as practicable";
- (3) Almost the same as above (difference in language) with a 10 percent variation allowance.

Effect: Same as (a), (b), (c), above.

Retains: Same as above.

Difference:

- (1) No provision for right of citizen to a Federal court. No provision for immediate court action to avoid the question becoming moot. (See *Richardson v. McChesney*, 218 U.S. 487.)
- (2) Imposes House sanction on Representative elected in violation of its provisions. House already has that right and power without the necessity of a bill. (See *Colegrove v. Green*, 1945, 328 U.S. 549.)
- (3) Ten percent variation allowance instead of 20 percent.

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES FOR NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

A survey of proposed amendments to the Constitution of the United States introduced in Congress from 1789 to 1954, inclusive, reveals that they have included 65 resolutions providing for national representation in some form for the District of Columbia. National representation in this context means representation for the District of Columbia in one or both Houses of Congress and in the electoral college.

A constitutional amendment has been considered necessary for the purpose because the Constitution provides that the Members of Congress shall be chosen by the people of the several States, and the District of Columbia is not a State.

Of these 65 resolutions, the first was introduced in the House of Representatives on November 27, 1877 (H.R. 57, 45th Cong., 1st sess.) by Mr. Corlett, of Wyoming. It proposed to grant one member each in the House of Representatives to the territories and the District of Columbia. The most recent of these proposals was introduced in the Senate by Senator Case of South Dakota on March 8, 1954 (S.J. Res. 136, 83d Cong., 2d sess.). It proposes an amendment to the Constitution empowering Congress to grant representation in the House of Representatives and in the electoral college to the District of Columbia.

Of these 65 resolutions, 20 were introduced during the period 1888-1926, 29 were introduced during the period, 1926-47, and 15 have been introduced during the 80th to 83d Congresses, inclusive. Thirty-seven of them were introduced in the Senate and 28 in the House of Representatives. Such resolutions have been introduced in both Houses of every Congress since 1915.

All of the 65 resolutions were referred to the appropriate committees of the respective Houses, usually to the Committees on the Judiciary, which have jurisdiction over proposals to amend the Constitution. Beyond such committee reference, only 19 out of the 65 resolutions were acted upon in some manner (see table). On 10 of the resolutions, committee hearings were held. Three of the resolutions were favorably reported by the full committee. Two of these favorable reports were made to the Senate, in 1922 and 1925 (S. Rept. No. 507, 67th Cong., 2d sess., and S. Rept. No. 1515, 69th Cong., 2d sess.). The third favorable report was that made by the Judiciary Committee to the House on the Sumners resolution (H.J. Res. 257) on August 5, 1940 (H. Rept. No. 2828, 76th Cong., 3d sess.).

Of the 19 resolutions acted upon, 3 were reported adversely by the full committee. Each of the adverse reports was made in the Senate. The two Blair resolutions of 1889 were reported jointly and adversely by the Committee on Privileges and Elections, debated, and passed over without vote (Congressional Record, 51st Cong., 1st sess., pp. 297, 802). The Capper resolution of 1941 (S.J. Res. 35) was reported unfavorably by the Senate Judiciary Committee on August 4, 1941 (S. Rept. No. 646, 77th Cong., 1st sess.).

Apparently only five full committee reports on the subject of national representation for the District of Columbia have been submitted during the last 65 years. Three favorable reports were made, in 1922, 1925, and 1940; two unfavorable reports were received, in 1899 and 1941.

Apparently no committee report on this subject has been debated on the floor of Congress since the first report on the Blair resolutions of 1889. However, the question of extending national suffrage to the residents of the District of Columbia has been considered on the floor of Congress from time to time. In 1917, for example, the resolution of Mr. Austin of Tennessee (H.J. Res. 73) was debated.

Action beyond committee reference on proposed constitutional amendments to provide national representation for the District of Columbia

Resolution	Author	Date introduced	Action
S.J. Res. 11.....	Blair.....	Dec. 5, 1889	Reported adversely by Committee on Privileges and Elections, considered, and passed over without vote.
S.J. Res. 18.....	do.....	Dec. 9, 1889	
S.J. Res. 32.....	Chamberlain.....	Dec. 10, 1915	Hearings before District of Columbia Subcommittee on Feb. 24 and 29 and Mar. 2, 1916.
H.J. Res. 73.....	Austin.....	Apr. 28, 1917	Debated.
S.J. Res. 133.....	Jones.....	Nov. 7, 1921	Hearings before District of Columbia Committee. Reported favorably, Feb. 21, 1922. S. Rept. No. 507, 67th Cong., 2d sess.
S.J. Res. 7.....	do.....	Dec. 8, 1925	Referred to District of Columbia Committee which adopted without hearing same report made on S.J. Res. 133. S. Rept. No. 1515, 69th Cong., 2d sess.
H. H. Res. 208.....	Dyer.....	Mar. 22, 1926	Hearings by Judiciary Committee, April 1926.
H. J. Res. 18.....	do.....	Dec. 5, 1927	Hearings by Judiciary Committee, January-March 1928.
H. J. Res. 232.....	Norton.....	Feb. 18, 1937	Hearings by Judiciary Committee.
H. J. Res. 564.....	Randolph.....	Jan. 14, 1938	Hearings by Judiciary Committee, May 1938.
H. J. Res. 257.....	Sumners.....	Apr. 3, 1939	Reported favorably, without hearing, by Judiciary Committee, Aug. 5, 1940. H. Rept. No. 2828, 76th Cong., 3d sess.
S.J. Res. 35.....	Capper.....	Feb. 6, 1941	Heard by Judiciary Committee, April-May 1941, and reported unfavorably, Aug. 4, 1941. S. Rept. No. 646, 77th Cong., 1st sess.
H. J. Res. 62.....	Sumners.....	Jan. 8, 1945	Hearing by Judiciary Committee.
H. J. Res. 84.....	Powell.....	Jan. 24, 1945	Do.
S.J. Res. 9.....	Capper.....	Jan. 10, 1945	Subcommittee hearing and favorable report to full Judiciary Committee.
S.J. Res. 6.....	do.....	Jan. 6, 1947	Discussed by full Judiciary Committee, Feb. 3, 1947, and postponed indefinitely, Feb. 24, 1947.
S.J. Res. 63.....	Magnuson.....	Feb. 10, 1947	Postponed indefinitely by full committee, Feb. 24, 1947.
S.J. Res. 132.....	Neely.....	Sept. 26, 1949	Discussed in Judiciary Subcommittee, July 12, 1950.
S.J. Res. 136.....	Case.....	Mar. 8, 1954	Hearing scheduled before Judiciary Committee, May 20, 1954.

Prepared by Legislative Reference Service, Library of Congress.

WASHINGTON, D.C., April 9, 1960.

Hon. EMANUEL CELLER,
 Chairman, Committee on the Judiciary,
 U.S. House of Representatives.

DEAR SIR: I submit this statement for inclusion in the record of the hearings on national representation for the District of Columbia. As a native resident of the District, I have been interested in the District's governmental situation for many years, as evidenced by my article on "The Constitutional Status of the District of Columbia," written when I was a high-school senior, printed in Political Science Quarterly, June 1910, and reprinted as Senate Document 653 of the 61st Congress. That article has been cited by others as sound doctrine, and I would not appreciably change it after 50 years except to be more positive and less tentative about some conclusions which now seem amply supported. My views have also appeared in reports of other congressional hearings, most recently on pages 47-48 of the Senate hearings of September 9, 1959.

The Constitution gives Congress power of "exclusive legislation" (i.e., both Federal and in lieu of a State) over the area ceded for the seat of Federal Government; but the framers of that document, busy with bigger problems such as that of State representation in the Federal Government, did not make any provision whereby this prospective non-State area could be included in such representation. This omission was noted and discussed in Congress over a century and a half ago, and it is surprising that it still has to be discussed for action.

After various forms of remedy were proposed from time to time, practically all advocates agreed on a type of constitutional amendment which would simply and straightforwardly extend the legislative power of Congress to include this aspect of District affairs. The wording adopted by Representative Hatton Sumners of Texas in his House Joint Resolution 257, 76th Congress (April 4, 1939), was: "power to provide for the people of the District constituting the seat of the Government of the United States representation in the Congress and among the electors of President and Vice President no greater than that of the people of the States." Resolutions of similar intent were introduced in successive Congresses in the 1940's by Representative Sumners, Senator Capper, and others. In the hearing of April 7, 1960, Senator Jennings Randolph cited his joining in this approach to the problem when he was in the House of Representatives.

I do not recall any complaint about this simple enabling act type of amendment except from persons opposed to District national representation in general, or unwilling to trust future Congresses to use their best judgment in exercising the proposed power with a chance of deciding to go beyond what these objectors would favor now. It is regrettable that, in the last few years, friends of District national representation have ingeniously resorted to more complicated wordings instead of sticking to the generally favored formula until it could overcome the inertia as well as the few objections and be sent to the States for final adoption.

Constitutional amendments should be broad and basic, leaving the details of implementation to Congress or other agencies acting under the Constitution. They should not, unless to clear up some real doubt, or unless to require something that has been optional, cover matters already authorized in the Constitution. (While the constitutionality of home rule is still sometimes questioned, the views and actions of the framers and their generation, and a consistent line of decisions by the Supreme Court, indicate that Congress can give the District a wide scope of local self-government without needing any amendment of the Constitution on that point.) It is also important that a constitutional amendment should be as adequate as possible for future needs, so as not to acquire going back to the amendment process again on the same subject.

The amendment proposed in House Joint Resolution 529 is more in the style of legislation than of constitutional amendment by the foregoing criteria. It prescribes the number of persons to be elected in terms of legislated details (such as the method of equal proportions), and, in requiring instead of empowering Congress to provide representation as specified, it confines itself to what Congress is most likely to grant now, in one House only, and denies to the District its legitimate hope of representation in the other body (and correspondingly increased membership in the electoral college) except by the especially difficult process of getting a second constitutional amendment later.

Even if the amendment were retained in its general form the wording of the paragraph on representation in the House of Representatives should be altered so as not to prejudice the status of the District's representation by use of the title of Delegate, which has had in Federal usage the meaning of a nonvoting spokesman of a Federal Territory. If that is all the District is to have, there is no need to authorize it in a constitutional amendment, as such Delegates are not constitutionally Members of the House, and Congress can give the District one or more of them by ordinary legislation (as it did for two Congresses under the act of 1871). While the proposed amendment would allow Congress to give the District's Delegates as full powers as Representatives, there would still be a discriminatory note in the use of the Delegate title.

Furthermore the powers, privileges, qualifications, etc., of Representatives and of Senators are specified in the Constitution, and all persons having status as constitutional Members of either House should have equal standing on these points, with no second-class Members. Some of the joint resolutions of the 1940's, while not specifying any titles for the Members from the District, con-

tained the unfortunate phraseology, "in such numbers *and with such powers* as the Congress shall determine." I think the phrase I have italicized was prompted first by the question of the District representation's status in the voting in the rare event of a presidential election thrown into the House for decision, but even if any special provision needs to be made about that, it should not be so broad as to affect the ordinary powers of individual Members. Congress does have some discretion over the determining of numbers of Representatives, including whether any at all (under the power to admit new States), but the control of either House over Members constitutionally admitted (even those from a non-State area such as the District) should continue to be only of the sorts now prescribed in section V of article I of the Constitution.

It should be possible, even this late in the session, to bypass the controversial details in House Joint Resolution 529 and Senate Joint Resolution 138 by substituting the simpler and yet more adequate type of amendment like that of Representative Sumners in 1939. Even if there were a year's delay, the permanent benefit would be worth it. There would still be time for the States to ratify the amendment to be effective for the presidential election of 1964; and while missing the considerable number of odd-year biennial sessions of State legislatures in 1961 might delay the effective date of congressional votes for the District, Congress could meanwhile make a start by giving the District one or more Delegates of the nonvoting type and gain a little experience which might be helpful in drafting subsequent legislation for the fuller representation which the amendment would allow.

Sincerely yours,

GEORGE W. HODGKINS.

Mr. DAVIS. Mr. Chairman, I am Elwood Davis and chairman of this Citizens Joint Committee. If we didn't express our appreciation to you and the members of your committee, and especially the fine splendid turnout that has been present not only from the members of this subcommittee but in having Mr. Libonati here, we do appreciate the hearings and we hope that we have been able to give you some of the facts that will aid you gentlemen in making the decision and making possible this vote for President and Vice President, and Delegates in the House of Representatives.

The CHAIRMAN. Thank you, sir.

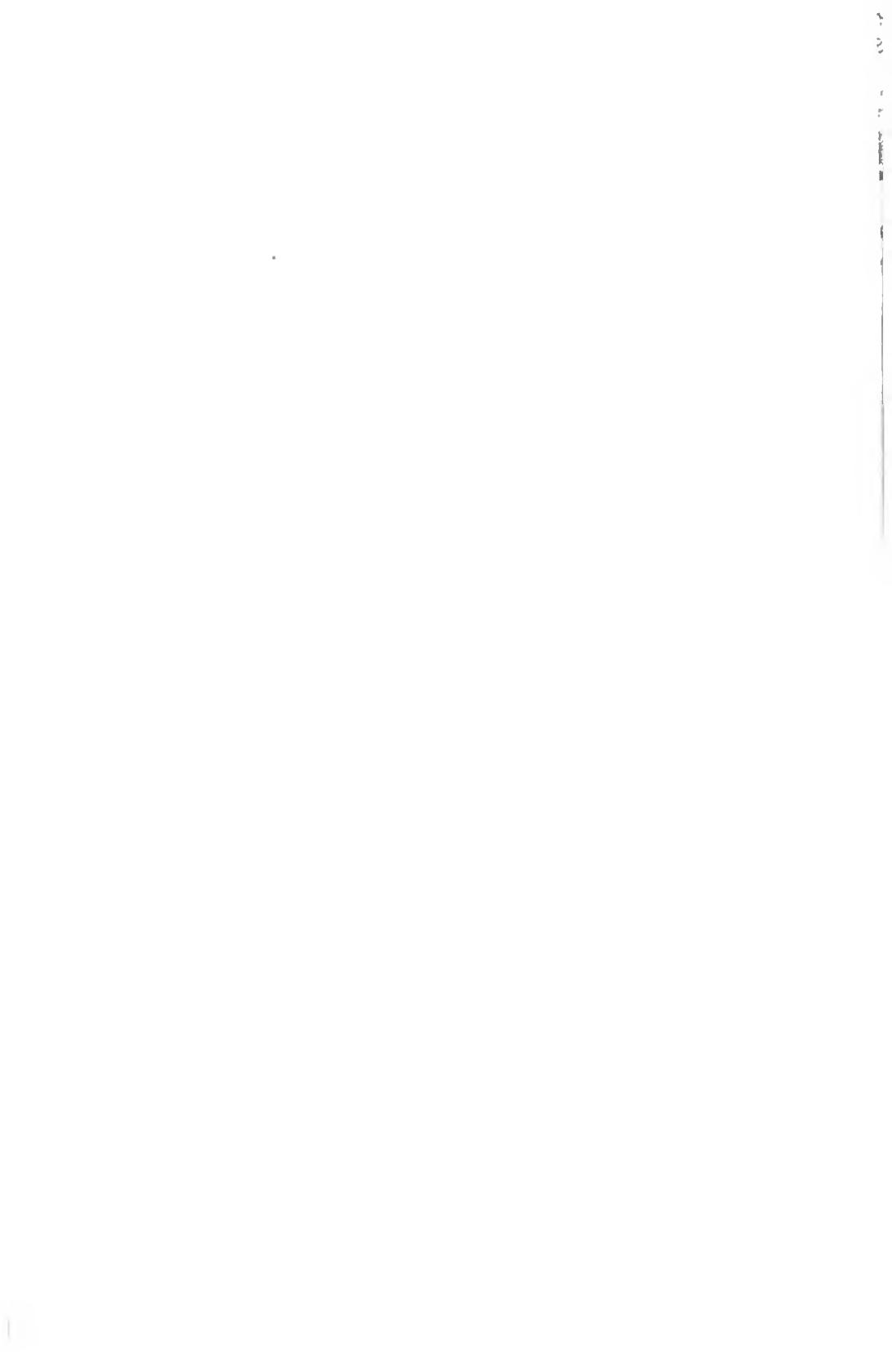
The committee will now adjourn.

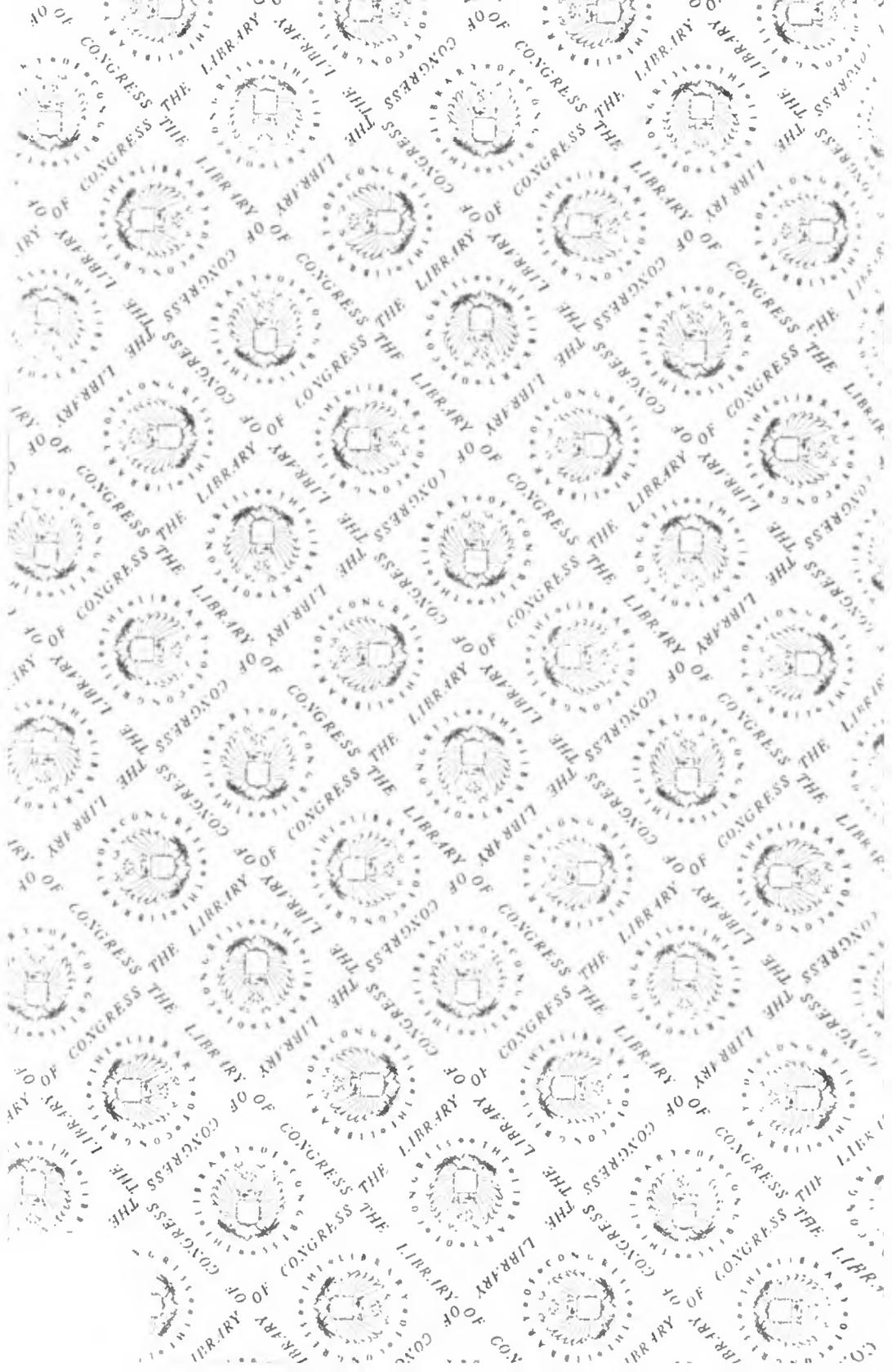
(Whereupon, at 11 :56 a.m., the subcommittee was adjourned.)

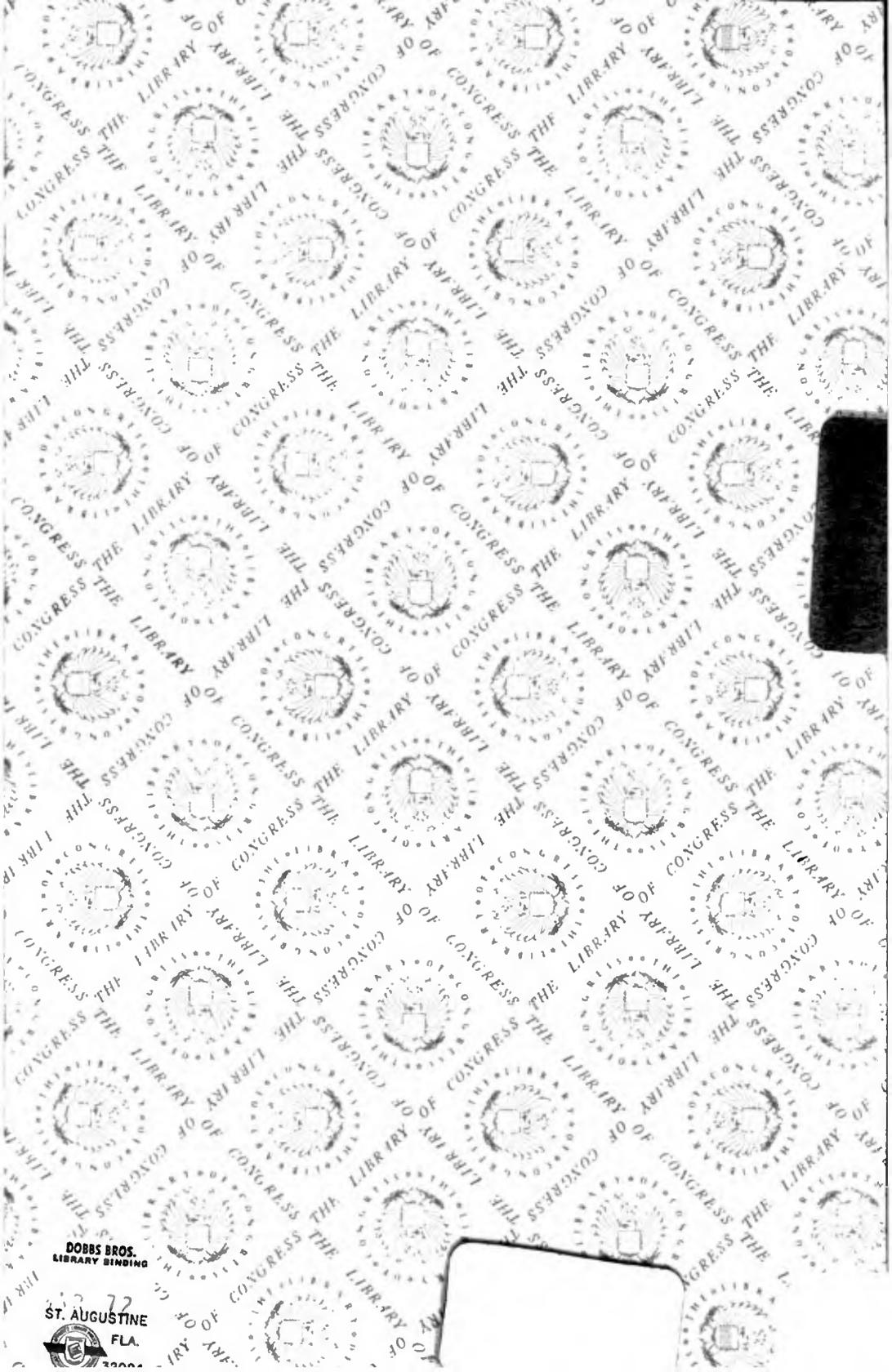
×



CD 1.2.9







DOBBS BROS.
LIBRARY BINDING

72
ST. AUGUSTINE
FLA.



LIBRARY OF CONGRESS



0 018 423 973 5

