



**TESTIMONY OF MURIEL BOWSER,  
MAYOR OF WASHINGTON, DC**

**Before the Committee on Oversight and Reform  
U.S. House of Representatives**

**Carolyn B. Maloney, Chairwoman  
James Comer, Ranking Member**

**H.R. 51, Washington, D.C. Admission Act**

**March 22, 2021**



Chairman Maloney, Ranking Member Comer, and members of this esteemed Committee, on behalf of the 712,000 residents of the District of Columbia, I thank you for convening this hearing on H.R. 51, the Washington, D.C. Admission Act. In particular, we thank you for shepherding this measure to passage during the 116<sup>th</sup> Congress; and we respectfully seek your support to marshal it to passage again.

I want to especially thank our Congresswoman, Eleanor Holmes Norton, who has championed equality for Washington, DC throughout her tenure, while skillfully delivering jobs, opportunity, and greater self-determination.

I am Muriel Bowser, Mayor of Washington, DC, and I am honored to come before this committee to ask Congress to right the wrong that happened some 220 years ago when the residents of the District of Columbia were stripped of their full congressional representation.

Two years ago, in the 116<sup>th</sup> Congress, I came before this committee under the leadership of the late Elijah Cummings to dispel erroneous arguments, against DC Statehood. These are the bad-faith arguments we hear time and time again:

- They say Washington, DC statehood is unconstitutional, even though several constitutional experts have repeatedly declared that to be false. Article I of the Constitution is not an obstacle because, as H.R. 51 makes clear a “federal district” will remain for the federal



government, its buildings and its workings; and the rest of the area, where people live, will become the separate state.

- They say Washington, DC is too small, or our economy is not diverse enough. Even though we're bigger by population than two states and pay more federal taxes per capita than any state, and we pay more total federal taxes than 22 states.
- They say that Washington, DC is badly governed. This is simply not accurate. In fact, by many objective measures DC is better governed than most states. We have balanced our budget 25 times in the last 25 years. And we already operate as a state and perform the same functions that states do. During the coronavirus pandemic, we have led COVID-19 testing, contact tracing and vaccination efforts, just as states do.

Again, two years ago we debunked those claims as thinly veiled attacks on our political leanings, and quite frankly our diversity, and history of black political power.

Today, I come to urge this committee and this Congress to move beyond the tired, non-factual anti-DC Statehood rhetoric and extend full democracy to the residents of the District of Columbia as the founding fathers intended. I was born in Washington, DC and generations of my family – through no choice of our own – have been denied the fundamental right promised to all Americans: the right to full representation in the Congress. The simple fact is, denying American citizens a



vote in the body that taxes them goes against the founding principles of this great nation.

The disenfranchisement of Washingtonians is one of the remaining glaring civil rights issues of our time. Even as the Constitution was being drafted, several members foresaw the situation that Washingtonians face today, a capital city of second-class citizens. When white residents were the only population to be affected, as they were the only ones with suffrage at the time, the founding fathers pledged to correct the wrong, and the Continental Congress was eager to offer amendments to correct it. But ultimately, the Constitution did not resolve the concerns around the future federal district's congressional representation or self-governance.<sup>1</sup>

Why did the motivation to right the wrong disappear? As time passed, and the District became majority African American, the drive to correct the wrong was replaced by racist efforts to subvert a growing and thriving majority Black city. Historic records are replete with statements of successive members of Congress referencing the “negro problem” and the “color problem” within DC as a justification to withhold Congressional representation. This was their way of saying that African Americans are unable to govern themselves, or vote for their best interests, and should therefore be denied political power and suffrage. So, does this body still believe that to be the case?

Next month, we will celebrate President Lincoln signing the Emancipation Act that freed the slaves

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<sup>1</sup> Musgrove, G.D., & Myers, C. (2021) Democracy Deferred: Race, Politics, and D.C.'s Two- Century Struggle for Full Voting Rights. [White Paper] Statehood Research DC. Attached.



in the District of Columbia on April 16, 1862, months before the Emancipation Proclamation freed other enslaved people. I hope to remind this Congress that District residents are still not free, as we remain disenfranchised in this body.

I urge all of you to do what our founding fathers and over two centuries of lawmakers failed to correct and grant full democracy to DC residents through statehood by enacting H.R. 51. The incremental enfranchisement of the District has historically been a bipartisan effort but is in no way a substitute for full representation in Congress.

Washington, DC has been a true partner to the federal government in every possible aspect even though Congress and the Presidents have been sporadic partners to us. We have supported continuing the critical operations of this body and other federal agencies within our borders. The federal government leaned on our health departments to process coronavirus tests and administer vaccines to federal employees and contractors. However, several provisions of federal aid to respond to the coronavirus pandemic denied us state-level funding, shortchanging us over \$755 million in fiscal relief even though we operate as a city, county, and state. We now thank you Madam Chair, Speaker Pelosi, Leader Schumer, your democratic colleagues, and President Biden for righting that wrong last week in the American Rescue Plan.

The events of January 6<sup>th</sup>, where Congress was overtaken by insurrectionist mobs, show that Congress need not fear the new state of Washington, DC as it does not currently fear the states of



Maryland and Virginia. Rather, the new state will be a necessary partner to securing the federal interests, not a detractor. Arguing that Washingtonians must remain disenfranchised to protect the interests of the federal government is dangerous, laughable, and downright insulting.

In conclusion, after years of disinvestment and disinterest when Congress did exercise full exclusive jurisdiction over the District and ran all local governance, my predecessors and I, with Council Chairman Phil Mendelson and his colleagues and their predecessors, have worked hard to develop the fastest improving urban schools, invest in housing, healthcare facilities, recreational facilities, as well as a sports and entertainment economy, and built one of the most attractive meeting destinations in the country. We have proven our sound leadership and that there is no reason not to right this 220-year-old wrong.

Thank you again for allowing me to appear before the committee today and I look forward to answering your questions.

# Democracy Deferred:

Race, Politics, and D.C.'s Two-Century  
Struggle for Full Voting Rights

**SRDC is a nonprofit 501(c)3 organization that seeks to educate the public and policymakers about the economic, financial and historical aspects of the movement for DC statehood. It fulfills its research agenda through publication of papers and other materials. It was created by prominent members of the DC business community and is being incubated at the Federal City Council, a nonprofit, nonpartisan business civic organization committed to the improvement of the District of Columbia.**

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## **About the Authors**

**George Derek Musgrove, Ph.D.** is an Associate Professor of History at the University of Maryland, Baltimore County. He is the author of *Rumor, Repression, and Racial Politics: How the Harassment of Black Elected Officials Shaped Post-Civil Rights America* (U. of Georgia, 2012), and co-author, with Chris Myers Asch, of *Chocolate City, A History of Race and Democracy in the Nation's Capital* (UNC, 2017). His latest project is "Black Power in Washington, D.C." a web-based map of Black Power activism in the nation's capital between 1961 and 1998. He lives with his wife and two sons in Washington, D.C.

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## *Summary*

This report provides a summary and analysis of the circumstances that led the citizens who lived in the area designated as the seat of government to lose their right to vote in 1801, why Congress has only partially addressed this state of affairs in the intervening 220 years, and how the modern struggle for self-determination among Washington, D.C., residents has evolved into the present push for statehood.

Key historical points to understand include:

- The Founders never reconciled the tension between the revolutionary imperative for “no taxation without representation” and the federal government’s need for “exclusive legislation” regarding the seat of government. D.C. residents originally voted for U.S. senators and representatives, but that right was stripped away when Congress claimed “exclusive legislation” over the federal district with the Organic Act of 1801. D.C. residents objected to losing their rights, arguing for the primacy of the principle of “no taxation without representation.”
- After a brief flowering of interracial democracy during Reconstruction, D.C. residents, Black and White, lost all voting rights in 1874. For nearly a century, race — and the fear of Black political power — played a significant role in defeating all attempts to win home rule and congressional representation as segregationists successfully derailed efforts to return suffrage to District residents.
- Buoyed by the civil rights movement, a bipartisan, interracial coalition of activists, with support from federal leaders, won a series of victories that provided for a vote in presidential elections, local self-government, and a non-voting delegate in the House of Representatives in the 1960s and 1970s. D.C. activists gained bipartisan support for a constitutional amendment providing for voting representation in Congress in the mid-1970s, but it was defeated by New Right opposition at the state level. In the late 20th century, D.C. residents embraced statehood as their favored vehicle for winning representation in Congress.
- In the 220 years since Congress set the precedent of taxation without representation, District residents have repeatedly demanded a return of the democratic rights that they considered their birthright as American citizens. Today, Washingtonians and their supporters nationwide have coalesced behind a bill to grant statehood, which they believe will protect the principles of both “exclusive legislation” and “no taxation without representation.”

# ***Introduction***

On January 4, 2021, Non-Voting Delegate Eleanor Holmes Norton (D-D.C.) introduced H.R. 51, the Washington, D.C. Admission Act in the House of Representatives. As of this writing, the measure has 212 co-sponsors. (An identical bill had passed the chamber on June 26, 2020, by a vote of 232 - 180; the first time a chamber of Congress has ever advanced D.C. statehood legislation.) Senator Tom Carper (D-DE) introduced a companion bill in the Senate as S. 51, which currently has 40 co-sponsors, the largest number of Senators to sign on to a D.C. statehood bill. The Speaker of the House and the Senate Majority Leader have both voiced support for these bills, and they likely will come up for votes during the 117th Congress.

If past debates about D.C. statehood are any guide, the debates about these bills will be contentious and will focus largely on questions of history. The history of District governance is long and complicated, covering more than two centuries of political machinations, legislative proposals, and local movements for self-determination. To inform that debate, we offer this white paper to provide a concise explanation of this complicated topic.

Specifically, we seek here to explain:

- 1.** When and why the residents of the nation's capital lost the right to vote for local government, members of Congress, and the President;
- 2.** Why Congress has not remedied this state of affairs in the previous 220 years despite the stated desire of many members of that body and District citizens to afford Washingtonians voting representation in the national legislature; and
- 3.** How the post-WWII struggle for District self-determination has evolved into the present push for statehood.

We do not take a stand on the legality of statehood or the best path for securing voting representation in Congress for the citizens of the District of Columbia.

## ***The Founding Era: A Right Stripped Away***

The Founders failed to reconcile the tension between the revolutionary imperative for “no taxation without representation” and the federal government’s need for “exclusive legislation” regarding the seat of government.

Washington, D.C., is a creature of the Constitution. Article I, Section 8, Clause 17 mandates that the federal seat of government must reside in a “District” over which Congress exercises “exclusive legislation.” The federal government has held ultimate authority over the District of Columbia since it passed the Organic Act in 1801.

The idea to place the national seat of government in an independent district where Congress exercised “exclusive jurisdiction” dates at least to 1782, when Baltimore merchant George Lux Jr. proposed it to Confederation Congressman Theodorick Bland of Virginia. Lux’s proposal gained little traction, however, until June 20, 1783, when a band of Continental Army veterans held a raucous protest outside the Pennsylvania State House, where the Confederation Congress and the Pennsylvania Executive Council both met. The Confederation Congress was not the target of the protest and indeed was not even in session when the soldiers first assembled. Though owed back pay by the central government, the veterans had little confidence that they could get redress from the Confederation Congress, an infant body that lacked a dedicated source of income. Instead, they sought their money from the Pennsylvania state government, which they deemed would be more likely to pay up.<sup>[1]</sup>

The fact that the soldiers ignored the Confederation Congress incensed Congressman Alexander Hamilton of New York and other national leaders who were determined to establish the primacy of the new central government over the states. Hamilton hurriedly arranged a special session of Congress, then demanded that Pennsylvania leaders protect the Congress by forcibly dispersing the protestors. But Pennsylvania Executive Council President John Dickson refused, choosing instead to negotiate with them. Dickson’s refusal further highlighted the federal government’s weakness relative to the states. Hamilton and other national leaders used the incident to

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popularize the notion that Congress could be held hostage to state interests unless it had full control of its capital.<sup>[2]</sup>

The Philadelphia Mutiny, as it came to be called, convinced members of the Confederation Congress that they should exercise “exclusive jurisdiction” over the federal seat of government. Though the phrase did not appear in the *Journals of the Continental Congress* before the mutiny, just four months later Congress voted that it should exercise “an exclusive or such other jurisdiction as Congress may direct” over its future, permanent capital. By 1787, this idea

(also referred to as “exclusive legislation”) was widely shared among the men who met for the Constitutional Convention. They wrote it into Article 1, Section 8, Clause 17 of the Constitution, which authorized Congress to “exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States.”<sup>[3]</sup>

Yet while most founders believed that Congress should exercise exclusive legislation over the seat of government, they disagreed on how to balance this idea with another fundamental principle of the Revolutionary era: that citizens have the right to representation in any legislature that rules over them. “No taxation without representation” was not only the rallying cry of the War for Independence, it also was the principle of the constitutional republic that the founders were laboring to build. If the federal government assumed exclusive control over its capital, how could it preserve the rights of the capital’s citizens to have both representation in the national legislature and self-government at the local level?

The founders struggled to reconcile these two principles. As early as 1783, Virginia Delegate James Madison conceded that Congress was unsure what “exclusive legislation” would mean for the potential residents of the seat of government, lamenting that “the nearer the subject is viewed, the less easy it is found to mark the boundary.” Five years later, as Madison lobbied for the adoption of the Constitution, he implied that the Constitution itself did not define that boundary. In *Federalist 43*, he promised only that “the State [ceding land for the seat of government] will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it,” and that “a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them [the residents of the seat of government].”<sup>[4]</sup>

Those members of the founding generation who were not willing to leave the matter to chance expressed genuine alarm at Clause 17. Samuel Osgood of Massachusetts, a veteran of the War for

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## Critical Early Legal Writing and Laws Regarding District Governance

### Federalist 43

"The indispensable necessity of complete authority at the seat of government, carries its own evidence with it. It is a power exercised by every legislature of the Union, I might say of the world, by virtue of its general supremacy... The extent of this federal district is sufficiently circumscribed to satisfy every jealousy of an opposite nature. And as it is to be appropriated to this use with the consent of the State ceding it; as the State will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them; and as the authority of the legislature of the State, and of the inhabitants of the ceded part of it, to concur in the cession, will be derived from the whole people of the State in their adoption of the Constitution, every imaginable objection seems to be obviated..."

### Constitution, Article 1, Section 8, Clause 17

"The Congress shall have Power To... exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States..."

### Residence Act of 1790

"Be it enacted... That a district of territory, not exceeding ten miles square, to be located as hereafter directed on the river Potomack, at some place between the mouths off the Eastern Branch and the Connogochegue be, and the same is hereby accepted for the permanent seat of the government of the United states: Provided nevertheless, 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..."

### Organic Act of 1801

This act makes no mention of democratic governance for the residents of the District except to state "That nothing in this act contained shall in any wise alter, impeach or impair the rights =, granted by or derived from the acts of incorporation of Alexandria and Georgetown... except so far as related to the judicial powers of the corporations of Georgetown and Alexandria."

Independence and delegate to the Confederation Congress, then serving as Commissioner of the Treasury, expressed his fear of the exclusive legislation clause in a letter to John Adams: "It has cost me many a Sleepless Night to find out the most obnoxious Part of the proposed Plan.—And I have finally fixed upon the exclusive Legislation in the Ten Miles Square.—This space is capable of holding two Millions of People... shall there be in the Bowels of the United States such a Number of People, brot up under the Hands of Despotism, without one Privilege of Humanity, that they can claim..."<sup>[5]</sup>

Even Alexander Hamilton who, more than anyone else, was responsible for popularizing the concept of exclusive legislation, wrestled with this contradiction. During the ratification convention in his home state of New York, Hamilton proposed an amendment requiring that "when the Number of Persons in the District or Territory to be laid out for the Seat of the Government of the United States...amount to \_\_\_\_ [Hamilton does not specify the number]... Provision shall be made by Congress for having a District representation in that Body."<sup>[6]</sup>

Madison, Hamilton, and other founders failed to reconcile the tension between the federal government's need for "exclusive legislation" regarding the seat of government and the

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revolutionary imperative for “no taxation without representation.” Hamilton’s amendment did not pass, Osgood was not a delegate to the Constitutional Convention (though his concerns were shared by delegates such as George Mason and Patrick Henry), and despite Madison’s assurances, the founding generation left unresolved the question of both national representation for the District and local self-government.[7]

D.C. residents originally voted for senators and representatives, but their right to congressional representation was stripped away in 1801 over their strenuous objections.

Between 1788 and 1790, the founders diverted their attention away from defining exclusive legislation to fighting over the location of the seat of government. Many observers assumed that the federal district inevitably would become a thriving political, economic, and cultural center, and political leaders and city boosters vied for the prize. Several states made formal proposals to cede land for the capital. Though James Madison had assumed that these states would bargain with Congress to protect residents’ rights, none of them did. From among the proposed sites, the House of Representatives voted in late 1789 to place the seat of government in Pennsylvania. But Southern leaders — including Virginians Madison, Thomas Jefferson, and President George Washington — pushed instead for a site along the banks of the Potomac River. They sought a Southern capital for all the reasons their Northern colleagues did — power, prestige, and economic growth — but also to protect the central institution in Southern life: slavery.[8]

Over dinner at Jefferson’s New York home in June 1790, Madison and Jefferson met with Alexander Hamilton to broker a deal that determined the future location of the nation’s capital. In exchange for Southern votes allowing the national government to assume states’ debts from the War for Independence — an issue of critical importance to Northerners — Hamilton would persuade his Northern allies to support placing the seat of government in the South. The legislation that eventually emerged from the deal was titled the Residence Act of 1790, for it determined where the federal government would “reside.”[9]

The law gave President Washington the power to choose the spot for the national capital, and he selected an area at the confluence of the Potomac River and Eastern Branch (now known as the Anacostia River), including the existing port villages of Georgetown, Maryland, and Alexandria, Virginia. Maryland ceded roughly 70 square miles, Virginia ceded about 20, and another ten were covered by the Potomac. Washington then appointed three commissioners to oversee the construction of the city and ensure that it would be ready to become the official capital in 1800. Congress agreed to move the federal government to Philadelphia for ten years while the new seat of government, named in honor of President Washington in September 1791, was under construction.[10]

As Washington was being built, Congress mandated that residents abide by the laws of the states that had ceded the land “until Congress shall otherwise by law provide.” Thus on the

eastern bank of the Potomac they were governed by Maryland's laws, while on the western bank Virginia's laws ruled. Eligible residents (at the time, the city's White, male landowners) cast their ballots in local, state, and national elections up through 1800.<sup>[11]</sup>

That soon changed. The elections of 1800 brought Thomas Jefferson and his Republican allies to power, spelling the end of Federalist Party rule. The two parties had spent the previous decade sparring over the scope of the federal government's powers enumerated in the Constitution. During the several months between the election and Jefferson's inauguration, the lame-duck Federalist majority in Congress scrambled to consolidate as much power in the federal government as possible before their small-government Republican foes took control. In early 1801 one last battle loomed: what to do with the District of Columbia.

Begun in the fall of 1800 as a serious discussion of constitutional intent and republican principles, the debate over the governance of the federal district pitted Federalist calls for Congress to assume exclusive legislation against Republican declarations that Congress could take up residence in the District without invoking that authority. Both sides expressed concern that if and when Congress assumed exclusive legislation the residents of the District would lose their state citizenship and the rights therein pertaining *unless* Congress created a mechanism for their governance.<sup>[12]</sup>

**“Any assumption of exclusive legislation that left federal district residents without representation in the Congress or a vote for President and Vice President was “contrary to the genius of our constitutions” and “violat[ed] an original principle in republicanism.”**

District residents also joined the debate, encouraging Congress to assume exclusive legislation (for fear that if it did not, the capital could be moved to another location) *and* insisting that Congress protect residents' rights to representation and self-government. A meeting of Alexandria citizens expressed their belief that it would be “unjust and inexpedient” for Congress to assume exclusive legislation “until the people are assured of a representation” in the national legislature. The most eloquent defender of District rights was Augustus Brevoort Woodward, a precocious Washington City lawyer and friend of Thomas Jefferson who later distinguished

himself as the first chief justice of the Michigan Supreme Court. Woodward authored a series of essays on the “Government of the District of Columbia” for the *National Intelligencer* in which he argued that any assumption of exclusive legislation that left federal district residents without representation in the Congress or a vote for President and Vice President was “contrary to the genius of our constitutions” and “violat[ed] an original principle in republicanism.” He laid out in



painstaking detail how the District could remain a federal city under congressional jurisdiction and enjoy self-government and representation in Congress. Woodward's essays were the most thorough treatments of the subject written at the time, and several members of the House adopted his suggestions *in toto*.<sup>[13]</sup>

This spirited exchange all but ceased in February 1801 as members of Congress were consumed with the national electoral crisis. When they returned to the subject of District governance late that month, the Federalist majority, determined to assume "exclusive legislation" before the Republicans assumed power, hurriedly passed the Organic Act. The Act placed the city's three developed areas — Washington City, Georgetown, and Alexandria (the latter two retained their town governments) — under the exclusive control of Congress and the President but made no provision for Washington City local government or District citizens' representation in Congress and their participation in presidential elections. The law also organized the unincorporated territory within the District into two counties: the County of Washington (on the Maryland side) and the County of Alexandria (on the Virginia side) where residents similarly lacked the suffrage.<sup>[14]</sup>

No longer were the residents of these areas considered citizens of Maryland or Virginia; no longer could they vote for president; no longer could they help choose representatives in Congress. Instead, they were disenfranchised subjects of the federal government. Or, as Representative James Asheton Bayard of Delaware explained, D.C. residents had become "children, over whom it is not our wish to tyrannise, but whom we would foster and nurture." Just a generation after "no taxation without representation" had inspired Patriots to fight for independence, District residents lost the right to vote in all elections.<sup>[15]</sup>

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Debate about the governance of the federal district continued after 1801. Responding to continued complaints from Augustus Woodward and other local advocates of self-rule, the new Republican Congress incorporated Washington City and established a local municipal government consisting of a mayor appointed by the President and an elected council in 1802. (Georgetown and Alexandria continued with their preexisting town governments.) This limited home rule allowed the city's small population of White male landowners to vote, and in the election of 1802 about 90% of them did.<sup>[16]</sup>

Mirroring national trends, during the antebellum period Congress granted city voters increased control over local government. In 1820, Congress authorized a new city charter that allowed voters to directly elect the mayor, and in 1848 Congress removed economic barriers to voting, extending the ballot to all White men who lived in the city for at least a year. Despite these reforms, the federal government remained firmly in control of the District. City residents still had no representation in the national legislature and could not vote for President, and Congress retained veto power over any legislation that emerged from the city's municipal governments in Washington City, Alexandria, and Georgetown.<sup>[17]</sup>

While Washington City residents accommodated themselves to congressional rule for fear that the capital would be moved elsewhere, some White voters in Alexandria organized to regain their full rights as citizens. They did so by successfully petitioning to have all the District land west of the Potomac “retroceded,” or given back, to the state of Virginia.

**“Many White Alexandrians came to see retrocession as a way not only to gain political rights and prosper economically, but also to protect their right to own and trade enslaved people.”**

The retrocession movement had economic roots. Alexandria residents had expected to benefit financially from being included in the federal District. Yet Congress' ban on federal buildings on the west side of the Potomac and neglect of public works led to the area's economic stagnation, particularly after the War of 1812. Alexandrians blamed this neglect in part on their lack of representation in Congress, bemoaning their political status as “slavery” and condemning the indifference of their congressional “masters.”<sup>[18]</sup>

Alexandria's leaders petitioned Congress for retrocession in 1824, but were ignored. They renewed their push in the 1840s, compelled by the increasing strength of the abolitionist movement in Washington City. Alexandria was one the nation's top slave-exporting ports in the 1830s, and abolitionists flooded Congress with thousands of antislavery petitions to end slavery in the nation's capital. Many White Alexandrians came to see retrocession as a way not only to gain political rights and prosper economically, but also to protect their right to own and trade enslaved people.<sup>[19]</sup>

With support from slaveholding representatives from the eastern Tidewater part of the state, the Virginia House of Delegates passed a retrocession bill in early 1846. Congress gave its stamp of approval that summer, and in September White voters in Alexandria voted overwhelmingly in favor. No longer ten miles square, the District was reduced to the 68 miles square on the Maryland side of the Potomac.<sup>[20]</sup>

## ***The Disenfranchisement Era: Persistent Racial Concerns***

After a brief flowering of interracial democracy during Reconstruction, D.C. residents, Black and White, lost all voting rights.

Reconstruction in Washington was a time of revolutionary racial and political progress. Thousands of former slaves migrated to D.C. during and after the Civil War, joining White Radical Republicans and educated Black leaders to drive an ambitious experiment in

biracial democracy. They made remarkable progress, founding Black public schools and Howard University, building Black churches and civic institutions, and increasing Black home and land ownership. Perhaps none of the era's revolutionary changes had more impact than Black voting, which led to an unprecedented flowering of interracial democracy in the city.<sup>[21]</sup>

Because Congress wielded exclusive authority over the city, Washington was the one place where Radical Republicans could implement their policies without interference from state and local authorities. Radicals sought to turn Washington into what Sen. Charles Sumner (R-MA) called "an example for all the land," the prototype of an integrated America where Black people enjoyed political and civic (though not social) equality. Each major piece of Reconstruction legislation, from freedmen's relief to Black men's suffrage, was "field tested" in the District before being implemented across the South.<sup>[22]</sup>

Pushed by Black Washingtonians, Radicals made Black voting in D.C. a top priority — it was H.R. 1, the very first piece of legislation that the House considered when the first postwar Congress convened in December 1865. Passed in January 1867 over President Andrew Johnson's veto, the bill allowed Black men in the District to vote in the city's municipal elections. A month later, Black voters in Georgetown helped oust the incumbent mayor, a notorious racist; that June, Black voters in Washington City helped Republicans win a majority of seats on both the Board of Aldermen and the Common Council. By 1869, Black men from each of the city's seven wards had won election to the Common Council.<sup>[23]</sup>

The city's biracial government desegregated the municipal bureaucracy, provided jobs to a burgeoning Black middle class, implemented massive public works projects, and supported the expansion of what became the nation's best Black public school system. City leaders also passed anti-discrimination legislation that remained on the books well into the next century and provided the legal foundation for the city's post-World War II civil rights movement. D.C. developed a reputation as a haven for Black advancement, attracting some of the nation's top Black intellectuals and political figures, including famed orator Frederick Douglass.

**“After a brief flowering of interracial democracy during Reconstruction, D.C. residents, Black and White, lost all voting rights.”**

Yet that very success triggered a backlash from white conservatives and business leaders who persuaded Congress to retreat from biracial democracy. The first step came in February 1871, when Congress established a territorial government that limited residents' electoral power. The new government was a democratic hybrid, consisting of a presidentially appointed governor, upper Legislative Council, and Board of Public Works alongside a popularly elected lower House of Delegates and a non-voting delegate in the U.S. House of Representatives.<sup>[24]</sup>

Though District voters could still elect some officials, most of the power in the new territorial government was vested in the presidential appointees, particularly the Board of Public Works, which controlled the distribution of contracts and patronage. Under the leadership of businessman Alexander Shepherd, the Board became an engine of taxpayer-funded economic development. Shepherd spearheaded a comprehensive public works campaign to improve the city. His debt-fueled spending triggered an 1874 congressional investigation that uncovered conflicts of interest, influence peddling, no-bid contracts, and cost overruns.<sup>[25]</sup>

The investigating committee's report excoriated Shepherd and the Board of Public Works for excessive spending, but it also blamed District voters for allowing the legislature and the board to spend so freely. Given the perceived inability of voters and their representatives to restrain themselves, the committee recommended returning the city to rule by unelected commissioners, as it had been governed in its founding era in the late 18th century.<sup>[26]</sup>

Congress accepted the committee's recommendations, voting 216-22 in June 1874 to end the territorial government and establish a presidentially appointed board of three commissioners to manage the city and pay its debts. By law, one commissioner had to be a member of the Army Corps of Engineers; by custom, the other two commissioner spots were split between the Democratic and Republican parties. In response to pressure from local leaders, Congress pledged to cover 50% of the city's annual budget, acknowledging that the federal presence in Washington added expense (by requiring upkeep for public buildings) and curtailed revenue (because federal property was not taxed). Though this new system of commissioner rule was initially intended to be a temporary measure, Congress made it permanent in 1878.<sup>[27]</sup>

**““Under this bill,” wrote the editors of The Nation, “not a vestige is left of popular municipal government: aldermen, common councilmen, mayors, boards of works, school boards, police boards, primaries, conventions, all are swept away, and the entire government is handed over to three men, appointed by a foreign authority, responsible not to their fellow citizens, but to the President and Senate.”**

The scope of disfranchisement was remarkable. “Under this bill,” wrote the editors of *The Nation*, “not a vestige is left of popular municipal government: aldermen, common councilmen, mayors, boards of works, school boards, police boards, primaries, conventions, all are swept away, and the entire government is handed over to three men, appointed by a foreign authority, responsible not to their fellow citizens, but to the President and Senate.”

District men, White and Black, rich and poor, lost their right to vote. They would not cast another meaningful ballot for decades.<sup>[28]</sup>

For nearly a century, the fear of Black political power played a significant role in defeating repeated attempts to win home rule and congressional representation for D.C. voters.

Disfranchisement hurt both Black and White voters, but it had a particularly devastating impact on Black Washingtonians because it crippled their ability to defend and advance their interests. Without the ballot, Black leaders struggled to hold city officials accountable or secure access to public jobs. The commissioners who ran the city – all three of whom were White men, as all commissioners would be until 1961 – routinely ignored Black concerns. Black laborers complained that they were shut out from city contracts, and appointments to city positions vanished.

Black leaders worked with willing White counterparts to win back the right to vote. An interracial push for suffrage won support from an increasingly active labor movement in the 1890s. The Knights of Labor and the American Federation of Labor, claiming to represent about 20,000 D.C. workers, held mass meetings, led petition drives, passed resolutions in support of universal suffrage, and testified before Congress repeatedly in favor of an 1896 bill introduced by Sen. Jacob Gallinger (R-NH) that called for a referendum on D.C. suffrage.<sup>[29]</sup>

Despite a flurry of activity, however, the Gallinger bill failed and the suffrage movement fizzled. Supporters could not convince Congress to reconsider its blanket ban on District voting, in large part because they confronted widespread and well-organized opposition from the local White press and the White business community. Once the commissioner government had been established in 1874, it quickly gained the favor of the city’s White elites, who had the ear of the commissioners.

**“For nearly a century, the fear of Black political power played a significant role in defeating repeated attempts to win home rule and congressional representation for D.C. voters.”**

**“When weighed against the tangible benefits of federal money, the *Evening Star* concluded, “The ballot is a meaningless bauble in this District.”**

Many of Washington's most influential White leaders believed that self-government would jeopardize the federal government's 50% contribution to the city budget. They feared that Congress would not be willing to foot the bill for a city run by locally elected officials. When weighed against the tangible benefits of federal money, the *Evening Star* concluded, "The ballot is a meaningless bauble in this District."<sup>[30]</sup>

Beneath these economic arguments lay a core of racism, manifested by the distorted, racialized memory of biracial democracy that had become the common-sense consensus among many White Washingtonians. As elsewhere in the South, White people came to remember Reconstruction as a tragic, turbulent era when the excesses of interracial democracy led to corruption, profligacy, and racial animosity. This dubious interpretation quickly hardened into incontrovertible truth among most White Washingtonians, even though the territorial legislature had only two Black members and the worst abuses of the era had been committed by White appointees on the Board of Public Works. "An experiment had been tried in negro suffrage and it had failed," concluded one influential academic study in 1893.<sup>[31]</sup>

A blunter encapsulation came from Senator John Morgan of Alabama, a former Confederate general, during an 1890 debate on restoring D.C. suffrage. The Black-supported local government had been so "abominable and disgraceful," Morgan claimed, that Congress "found it necessary to disfranchise every man in the District of Columbia." It was akin, Morgan claimed, "to burn[ing] down the barn to get rid of the rats, . . . the rats being the negro population and the barn being the government of the District of Columbia."<sup>[32]</sup>

Restoring suffrage would lead once again to Black power and "negro domination," wrote the *Star*, and that explains "why tax-payers are almost unanimously opposed to the restoration of suffrage here." Even though "the present form of alien government is about as bad as can be devised," declared the *Washington Post*, "a system which gives the control of the District to ignorant and depraved negroes, is still worse." One *Star* reader explained the connection between race and democracy: "If you get rid of the 90,000 negroes residing in this city I am in favor of suffrage. As long as they are here I am opposed to it." This fear of "negro domination" undermined future efforts to win D.C. suffrage.<sup>[33]</sup>

Beginning in the late 1910s, a new suffrage movement led by *Evening Star* editor Theodore Noyes paralleled the nationwide push for women's suffrage. District residents were "defective and delinquent Americans," Noyes argued, and the best way to protect the city's economic and political interests was to have a voting representative in Congress. In 1917, he helped form the Citizens' Joint Committee on National Representation for the District of Columbia, and the movement won support from leading White organizations, including the Board of Trade, the "Voteless" League of Women's Voters, and the Federation of Citizens Associations.<sup>[34]</sup>

Support for suffrage grew in part because the federal government had failed to live up to its fiscal obligations to the city. The disfranchisement bargain struck in the 1870s was simple: in exchange for giving up their claims to suffrage, District residents gained the security of having the federal government pay for half of the city's annual budget. The "half-and-half" plan became sacrosanct

among city leaders. Frugal members of Congress, however, retreated from the half-and-half plan, and in 1921 Congress abandoned it altogether. By 1937, the federal government contributed less than 15% of the city's budget. As a result, local officials struggled to meet basic public health standards, provide adequate schools, or keep the city safe. Suffrage supporters argued that if D.C. had representatives in Congress, then the city could secure stable funding and prevent undue meddling in District affairs.

An unofficial referendum held in April 1938 drew nearly 100,000 voters and showed overwhelming support for both local suffrage (88%) and national representation (93%). Black Washingtonians were even more supportive: one *Washington Post* poll showed that 95% of Black respondents supported suffrage compared to 80% of White voters. The racial split grew wider on the question of self-government (known locally as "home rule") for District residents. Black Washingtonians generally supported both national representation and home rule, but placed a higher priority on the latter. Walter A. Pinchback of the Black Bloomingdale Civic Association testified at a 1938 congressional hearing that "every fair-minded citizen of the District would like to have the privilege" of national representation, but "would it not be better for Congress to establish some form of local government, whereby the citizens could choose their own officials who would be directly responsible to them?"<sup>[35]</sup>

Most White voters also supported home rule, but Theodore Noyes, the Board of Trade, and other White elites adamantly opposed it. Home rule, they argued, would lead to Black control, as they believed it had during Reconstruction. Black voters would support huge spending increases, rack up debt, and levy higher taxes, all of which would hurt business, lower property values, and encourage wealthy people to leave Washington. The city has "a color problem," wrote Grover Ayers of the Ten Miles Square Club in the *Post* in 1938. "In the past, politicians used the colored vote as they intend to do should Congress grant the District any kind of suffrage today." At a 1943 congressional hearing on D.C. governance, White gadfly Clinton Howard warned that if D.C. were granted suffrage, the city would be ruled by "the under-privileged, illiterate, proletarian class. . . . The alley will dominate the avenue."<sup>[36]</sup>

Race remained the biggest stumbling block to restoring suffrage in the early 20<sup>th</sup> century. The specter of Black political power, Theodore Noyes acknowledged, undercut the elite effort to win D.C. representatives in Congress: "We have had a hard time getting this Congress to discriminate between national representation and the Negro dominating in local suffrage." No suffrage bill passed Congress before World War II.<sup>[37]</sup>

**“Segregationists in Congress helped derail efforts to expand voting rights in Congress.”**

Segregationists in Congress helped derail efforts to expand voting rights in Congress.

At the end of World War II, life in Washington was largely segregated, protected by the laws and customs of a city that remained officially dedicated to preserving racial separation. Despite

decades of protests, D.C. remained a Southern city whose White leaders defended racial restrictive covenants, upheld a dual school system, and supported Jim Crow practices. Within a decade, however, the pillars of that world had crumbled under the pressure of ceaseless community agitation, powerful interracial alliances, key Supreme Court decisions, and strategic support from federal authorities, including Presidents Harry Truman and Dwight Eisenhower. Despite their lack of voting power, Black Washingtonians and their white allies across the nation used a variety of political and legal strategies to rouse public opinion and force Congress and the courts to dismantle the legal framework of Jim Crow.<sup>[38]</sup>

The years between the end of World War II in 1945 and the Supreme Court's 1954 decision in *Bolling v. Sharpe* (a companion case to *Brown v. Board of Education*) were the most decisive period in the city's history since the 1860s. Segregation in the nation's capital collapsed, half a decade or more before similar changes happened elsewhere in the South. By the end of the 1950s, the institutions of public life in Washington – schools, hotels, restaurants, theaters, recreation facilities, government agencies, unions, professional associations – were no longer racially segregated. In 1961 President John Kennedy chose lawyer John Duncan to become the city's first Black commissioner. The end of official segregation coincided with – and helped spur – massive demographic shifts that by 1957 had turned Washington into the nation's first major city with a Black majority.

Despite civil rights progress, however, Washington through the 1950s still lacked local self-government or representation in the national legislature. Congress remained effectively in control of District affairs through the congressional committees with jurisdiction over the city: the House District Committee and the Senate District Committee, as well as the appropriations subcommittees responsible for the District budget.

The prospect for expanded voting rights depended significantly on the composition of those committees. In the Senate, D.C. suffrage benefited from the support of Sen. Matthew Neely (D-WV), who chaired the Senate District Committee for much of the 1950s. Neely introduced, and the Senate repeatedly passed, legislation to provide local self-government (home rule) for D.C. In the House, however, Southern segregationists stymied suffrage efforts. Rep. John McMillan (D-SC) rose to the helm of the House District Committee after Democrats won the House in the 1954 elections, and he remained chair until his defeat in 1972. An avowed segregationist, "Johnny Mac" opposed all efforts to expand D.C. voting rights. His committee largely responded only to White residents and played "an obstructionist role in District government, willfully and maliciously frustrating the best interests of the District," wrote political scientist Martha Derthick in 1962.<sup>[39]</sup>

**“These men are dedicated to the proposition that the District cannot work as an integrated, progressive city, and they have it within their power to make it fail.”**



Another impediment was the Senate appropriations subcommittee responsible for the District budget, which was headed by a former Ku Klux Klan member with a flair for theatrical oratory: Senator Robert Byrd (D-WV). McMillan, Byrd, and their Southern colleagues reworked city budgets, eviscerating welfare, education, and housing programs while beefing up the police force. "These men are dedicated to the proposition that the District cannot work as an integrated, progressive city, and they have it within their power to make it fail," wrote Andrew Kopkind and James Ridgeway in *The New Republic*. Segregationists in Congress pounced on news stories that cast the District in a negative light, held hearings about the perceived evils of integration in the city, and bottled up bills promising to expand voting rights in the District. But their efforts to keep D.C. segregated and completely disfranchised faced an increasingly powerful interracial, bipartisan coalition of suffrage advocates.<sup>[40]</sup>

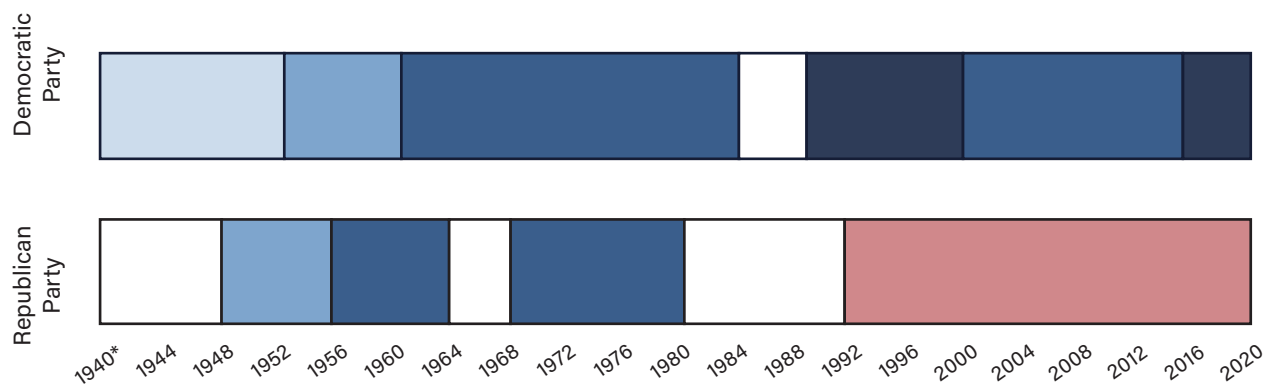
# The Struggle for Home Rule and Voting Representation in Congress

**“A bipartisan, interracial coalition of activists, with support from federal leaders, won a series of victories that expanded D.C. voting rights in the 1960s and 1970s.”**

A bipartisan, interracial coalition of activists, with support from federal leaders, won a series of victories that expanded D.C. voting rights in the 1960s and 1970s.

After eight decades of disenfranchisement, District residents’ ongoing struggle to win back the ballot began to bear fruit in the 1950s. Civil rights protests and the United States’ need to present itself as an exemplar of democracy in the Cold War lent new immediacy to the bipartisan push for suffrage.

**National Party Platform Positions on D.C. Self Determination**



	No Mention
	Calls for Suffrage
	Calls for Home Rule
	Calls for Voting Representation in congress
	Calls for Statehood
	Opposes Voting Representation in Congress

\*Neither Party mentions D.C. self-determination in their platform before 1940.  
Source: The Republican and Democratic Party Platforms housed at [www.presidency.ucsb.edu](http://www.presidency.ucsb.edu)

As early as 1940, liberals in the Democratic Party endorsed returning “the right of suffrage to the people of the District” in their party platform. In 1948, reformers in the GOP went one step further, endorsing “self-government of the residents of the nation’s capital.” For the next 28 years, the platforms of both major parties supported home rule and, after 1960, voting representation in Congress for the District (excluding the GOP’s decision not to adopt a position on D.C. self-determination in 1964).<sup>[41]</sup>

Republicans often took the lead in the post-WWII push for expanding D.C. voting rights. President Eisenhower called for home rule in his 1954 State of the Union address, and the next year he demanded both home rule and voting representation in Congress. Following Ike’s lead, supportive members of Congress, including Senate District Committee Chairman Francis Case (R-SD), redoubled their efforts to return the franchise to the citizens of the nation’s capital. In 1955 Congress passed a bill allowing District residents to vote for Democratic and Republican convention delegates and national committee members. Residents cast their first ballots in 82 years the following April. It was a small but important victory for local and congressional advocates of home rule and national representation.<sup>[42]</sup>

**“Republicans often took the lead in the post-WWII push for expanding D.C. voting rights.”**

The city’s successful staging of the 1956 primary election helped propel the effort to win a vote in presidential elections. After the election, many Washingtonians formerly affiliated with the Citizens Joint Committee for National Representation established the Citizens for a Presidential Vote for the District of Columbia. The affluent, majority-white group secured impressive bipartisan support for a 23rd Amendment to the Constitution, including endorsements from Americans for Democratic Action, and President Eisenhower. Senator Kenneth Keating (R-NY) sponsored an amendment providing that D.C. residents get voting representation in the House of Representatives proportional to the city’s population (which in 1961 likely would have been three seats) as well as in the Electoral College. The measure easily passed the Senate, but the House Judiciary Committee eliminated the congressional representation sections. The revised amendment passed Congress in June 1960 and quickly was ratified by the requisite 38 states. It became law in March 1961.<sup>[43]</sup>

It was a remarkable triumph, though supporters noticed an undercurrent of racial opposition to expanding voting rights for the newly majority Black city — D.C.’s Black population hit 54% in the 1960 Census. Only one Southern state voted to ratify the amendment, and in the Midwest and New England, the *Evening Star’s* Haynes Johnson observed, “touring reporters from the capital were questioned sharply – off the record, of course – by... legislators [who] wanted to know about the ‘Negro problem’ in Washington. They wondered if the right to vote wouldn’t be thrown away by giving it to a city where more than half the people are colored.”<sup>[44]</sup>

Despite such concerns, the ratification of the 23rd Amendment meant that in 1964 President Lyndon Johnson became the first president since Thomas Jefferson to win office with actual D.C. votes. About 90% of the city's 200,000 eligible voters cast their ballots. Yet D.C. voters still had neither representation in Congress nor self-government.

President Johnson worked to change that. Johnson saw home rule as a vital part of his overall civil rights strategy and threw his weight behind a 1965 bill that would have created an elected city council. Like so many before it, the bill passed the Senate but died in the House. *Congressional Quarterly* attributed the bill's defeat in part to fears of "Southerners and some Northerners of both parties that the Negro majority would dominate the city elections and consequently the city government."<sup>[45]</sup>

Faced with continued congressional opposition, Johnson moved forward with home rule on his own. He issued Reorganization Plan 3 of 1967, which replaced the three-man commissioner form of government that had ruled the city since 1874 with a nine-person City Council headed by a single Mayor/Commissioner. He framed the measure as a way to create "a better organized and more efficient government" that could combat growing crime, but he also saw it as a step toward full home rule, even though all Council members were to be presidential appointees and Congress retained veto power over the city's budget and legislation. Conservatives on the congressional District Committees saw the reorganization as an attack on their power, while the local Board of Trade feared that it would lead to full home rule. Both vigorously opposed the reorganization but could not muster sufficient congressional opposition, and the plan went into effect in August 1967. Johnson subsequently appointed a Black majority to the Council and named a Black man, Walter Washington, to serve as Mayor/Commissioner.<sup>[46]</sup>

Johnson's reorganization spurred Congress to take its first step toward local self-government for the District in more than 100 years. A bill to establish an elected, 11-member school board sailed through both chambers of Congress in late 1967 with just three nay votes, becoming law shortly after the assassination of Martin Luther King Jr. in April 1968. That November, Washingtonians participated in their first local election in nearly a century as 64 candidates vied for the school board.<sup>[47]</sup>

Continuing the tradition of bipartisan reform, in 1969 President Richard Nixon proposed to re-establish the Non-Voting Delegate to Congress as an interim step toward full representation. Congress passed a bill creating the position in 1970. Though the delegate had no voting powers, the 1971 election for the position drew a crowded field. Rev. Walter Fauntroy, a civil rights activist and member of the appointed council, emerged victorious.<sup>[48]</sup>

Determined to dislodge the conservatives in the House who had been blocking home rule legislation for two decades, Fauntroy led a vigorous campaign to help unseat Rep. John McMillan (D-SC), the segregationist chair of the House District Committee. Fauntroy sent dozens of organizers to McMillan's district in 1972, rallying Black voters (who made up 28% of the district) and highlighting McMillan's racist record. McMillan suffered a stunning defeat. Asked to explain his loss, he groused, "The colored people were bought out."<sup>[49]</sup>

McMillan's ouster cleared the way for home rule in D.C. His successor as chair of the House District Committee was Charles Diggs (D-MI), a Black congressman with a long history of supporting greater D.C. autonomy. Diggs pushed the D.C. Home Rule Act through the House, and President Nixon signed it into law in December 1973 – 99 years after Congress first stripped the city of self-government. The bill established an elected government with a mayor and a 13-member Council empowered to levy taxes, determine spending, and pass legislation.

Congress did not relinquish control entirely, however. To the dismay of self-determination advocates, all legislation passed by the Council remained subject to review and veto by Congress. Also, federal officials retained control of the courts, with all criminal violations prosecuted by the U.S. Attorney and all judges appointed by the President. These limitations lead local self-determination advocate and newspaper publisher Sam Smith to label the deal "participatory colonialism."<sup>[50]</sup>

Despite its limitations, the Home Rule Act marked a significant milestone in D.C. politics and was justly celebrated as both a major achievement of the civil rights movement and an exciting opportunity for city residents to wield power. The 1974 elections brought a host of home rule and civil rights veterans into office. After years of challenging city officials and pushing for change from the outside, they now stood as elected leaders with official responsibilities.<sup>[51]</sup>

D.C. activists gained bipartisan support for the D.C. Voting Rights Amendment in the mid-1970s, but it was defeated by New Right conservative opposition at the state level.

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Having won (limited) home rule, self-determination activists planned a campaign for full voting representation in Congress to coincide with the nation's 1976 Bicentennial. It seemed a politically opportune time, as the Watergate scandal and increased Black voter turnout had thinned the ranks of conservative opponents of D.C. self-determination. Democrats, who since 1960 had endorsed a "Constitutional amendment giving the District voting representation in Congress," held huge majorities in the House and Senate. Del. Fauntroy introduced a D.C. Voting Rights Amendment (DCVRA) in Congress in 1975, imploring his colleagues to "mend a crack in the liberty bell." Self-Determination for D.C., a national advocacy group founded in 1971, coordinated an intense lobbying effort that inundated targeted members of Congress with phone calls, letters, and visits from professional lobbyists and citizen advocates.<sup>[52]</sup>

Their efforts bore impressive fruit. Both parties supported the amendment in their 1976 party platforms, and in March 1978 the House passed the measure by a margin of 289-127. The Senate soon followed suit, voting 67 to 32 to send the measure to the states for ratification.

It even won support from conservative stalwarts such as Sen. Strom Thurmond (D-SC), who declared that “human rights begins at home here in the nation’s capital.”<sup>[53]</sup>

## **“human rights begins at home here in the nation’s capital.”**

Despite this early success, the DCVRA soon ran into resistance from a rising “New Right” movement that would block its ratification and fundamentally change U.S. politics. The DCVRA generated fierce opposition from a powerful array of grassroots organizations, think tanks, and pressure groups such as the American Legislative Exchange Council (ALEC). ALEC and other “New Right” organizations used a series of overlapping issue campaigns — including taxes, pornography, gay rights, affirmative action, and the Equal Rights Amendment — to mobilize supporters against the amendment. ALEC supplied research and talking points to dozens of conservative commentators who attacked the DCVRA as an effort to furnish “special privileges and power to Washington bureaucrats” and a scheme to elect “ultra liberal Democrats” who would support “federally financed abortions . . . gun control . . . labor law ‘reform’ and all other bills pushed by the union chieftains.” The group’s lobbying efforts decisively blunted the amendment’s early momentum.<sup>[54]</sup>

Conscious that overt racial hostility had become politically unpalatable, New Right activists walked a tightrope of playing down the race issue when opposing the amendment, while simultaneously appealing to White middle- and working-class anxieties about “reverse racism.” Patrick Buchanan found the balance. A combative D.C. native, Buchanan weaved White anger at liberal policies into a potent argument against the DCVRA. Though he privately conceded that D.C. residents had a “legitimate grievance,” publicly he labeled the amendment an “affirmative action program” and implored Americans not to set aside “two centuries of constitutional government . . . just so [civil rights activist] Julian Bond can have a Senate chair.”<sup>[55]</sup>

Facing concerted conservative opposition, the drive to pass the DCVRA sputtered. By late summer 1980, only ten states had ratified the amendment, while nine states had rejected it by wide margins. Advocates secured only six more states before the amendment expired in 1985. Not a single Republican-controlled chamber of a state legislature ratified the amendment.<sup>[56]</sup>

## **“In the late 20th century, D.C. residents embraced statehood as their favored vehicle for winning representation in Congress.”**

The campaign to defeat the DCVRA fundamentally changed the Republican Party’s position on D.C. self-determination. The federal elections in November 1980 propelled to power the New Right insurgents who had spearheaded opposition to the DCVRA. In 1980, the GOP, for only the second time since 1948, adopted a platform without a plank for D.C. voting rights after

D.C. GOP Delegates decided not to offer the plank at the Republican National Convention for fear that the Platform Committee would take a stand against increased D.C. self-determination. The change endured — for the next 32 years the party either remained silent on the issue or opposed any expansion of D.C. self-determination.<sup>[57]</sup>

In the late 20th century, D.C. residents embraced statehood as their favored vehicle for winning representation in Congress.

Until the late 20th century, the idea to turn D.C. into a state had limited appeal. The first D.C. resident to campaign for statehood was A. E. Redstone, a prominent white labor leader who formed the Home Rule Committee in 1893 and called for the establishment of a state of “Columbia.” Redstone, however, generated only meager support for the idea. For the next eight decades, residents focused on securing either home rule or representation in Congress.<sup>[58]</sup>

Statehood reemerged in the late 1960s among Black and New Left activists frustrated with the slow pace of liberal reform. In 1969, several activists created the D.C. Statehood Committee and vowed to make Washington the 51st state “by any means necessary.” The next year, the *Capital East Gazette* published “The Case for DC Statehood,” which outlined a plan to achieve “unfettered, uncompromised, self-determination” by shrinking the federal District to encompass only the federal buildings ringing the National Mall and turning the rest of the city into an autonomous state. Civil rights activist and former school board member Julius Hobson embraced the idea in his unsuccessful 1971 Statehood Party campaign for non-voting delegate to Congress.<sup>[59]</sup>

Statehood struggled to gain traction in the 1970s as advocates for D.C. self-determination focused on passing and ratifying the D.C. Voting Rights Amendment. Hobson worked with Ronald Dellums (D-CA) and Fred Schwengel (R-IA) to introduce a statehood bill in the House in 1971, and with Sen. George McGovern (D-SD) on a Senate version in 1972. Both were tabled without debate. Elected to the D.C. Council in 1974, Hobson introduced a bill in 1976 calling for a citywide referendum on statehood, but the Council rejected it.<sup>[60]</sup>

As the DCVRA faltered in the states, the statehood movement blossomed. A 1980 local ballot initiative written by Statehood Party member Ed Guinan outlined a four-step process to win statehood: a statehood referendum, a constitutional convention, ratification of a constitution, and an application to Congress for admission as the 51st state. D.C. voters supported the referendum with nearly 60% of the vote, making statehood their chosen strategy for gaining self-determination. Support for statehood grew stronger in subsequent decades, reaching 86% in a 2016 referendum.<sup>[61]</sup>

**“Support for statehood grew stronger in subsequent decades, reaching 86% in a 2016 referendum.”**

Like the DCVRA, statehood faced a robust, national grassroots campaign of opposition. Backed by an emerging conservative media, Citizens United Against D.C. Statehood lobbied fiercely

against the effort to give D.C. full representation in Congress. In one mailer, Citizens United asked, "Do you want a U.S. Senator who applauds Castro? . . . [W]ho embraces Arab terrorists? Or Black Muslim hatemongers?"<sup>[62]</sup>

Statehood advocates found little support in Congress. Republican opposition to increased D.C. self-determination hardened, while Democratic support remained lukewarm. Del. Walter Fauntroy pushed a 1987 bill that was voted out of the House District Committee, a historic first, but it never received a vote on the floor. After being elected D.C.'s "Shadow Senator" in 1990, Jesse Jackson joined with newly elected Del. Eleanor Holmes Norton on a high-profile campaign that culminated in a statehood bill that reached the House floor in November 1993. The bill suffered a crushing defeat, 277-153, as 105 Democrats joined all but one Republican in opposition.<sup>[63]</sup>

After the demise of the 1993 statehood bill, Del. Norton changed tactics. Though she remained a vocal advocate of statehood and introduced statehood bills each session, she focused on incremental expansions in city authority and the powers of her office. In 2007, she worked with Republicans such as Tom Davis (R-VA) and Chris Cannon (R-UT) on a compromise bill to replace D.C.'s non-voting delegate position with a voting representative and to create an additional, at-large House seat for dependably Republican Utah ahead of the 2012 redistricting. The bill passed the House but was filibustered by Minority Leader Mitch McConnell (R-KY) in the Senate.<sup>[64]</sup>

The failure of the D.C. Voting Rights Amendment and various statehood measures between 1978 and 2007 underscored the discouraging political reality that stymied statehood supporters. In a polarized era when control of the Congress was tightly contested, Republicans simply refused to support expanding voting rights for a city that had become heavily Democratic. As Ohio Governor John Kasich, a Republican, explained during his 2016 presidential bid, Republicans opposed D.C. statehood because "they know that's just more votes for the Democratic Party." Statehood supporters came to believe that no moral pleas or political inducements could convince more than a handful of Republicans to support their calls for representation in Congress.<sup>[65]</sup>

In the face of near united Republican opposition, statehood advocates such as D.C. Mayor Muriel Bowser focused their energies on winning Democratic support. She called a convention that drew up a new statehood constitution and submitted it to the voters in 2016. With Democrats expecting to maintain control of the presidency and perhaps gain control of Congress, Mayor Bowser wanted the city to capitalize on a favorable political environment. She gained overwhelming local support, including from the business community. On Election Day 2016, however, the plan collapsed. Though 86% of District voters approved the new statehood constitution, Republicans secured the presidency and both houses of Congress. In an election postmortem, Mayor Bowser promised to continue pressing for statehood, noting "part of our strategy was to be ready for when we had like-minded people elected in the White House and in Congress. We are... ready for that day, when it comes."<sup>[66]</sup>



## ***Conclusion***

“We are legislating for posterity as well as for ourselves,” Augustus B. Woodward implored members of Congress as they debated the Organic Act in late 1800. Fearing that in their zeal to exercise “exclusive legislation” over the capital the lame-duck Federalist majority would ignore the principle of “no taxation without representation,” he appealed to their sense of duty as stewards of an infant republic whose actions would set precedents for generations to come. “It is all important in all affairs to begin right, to take a comprehensive view, to build the mound, to lay out the channel, before the great tide rolls in, unexpected and unimaginable.”<sup>[67]</sup>

But the Federalists ignored Woodward’s warning. More concerned about embedding their political philosophy into the machinery of government before the opposition took control, they hurriedly passed the Organic Act, stripping residents of the federal District of the right to vote for representatives in the national legislature. D.C. has since grown into a great city that is home to more than 720,000 people, not one of whom has voting representation in the Congress that rules over them. The tide, to use Woodward’s metaphor, has long since rolled in.

**“In the 220 years since Congress set the precedent of taxation without representation, District residents have repeatedly demanded a return of the democratic rights that they considered their birthright.”**

In the 220 years since Congress set the precedent of taxation without representation, District residents have repeatedly demanded a return of the democratic rights that they considered their birthright. In the early 19th century, they called for and received the right to local self-government. After a brief flowering of interracial local democracy during Reconstruction, Congress revoked all voting rights, imposing an appointed government by commission that lasted for nearly a century. D.C. residents continued lobbying for home rule, as well as for representation in the national legislature, but their efforts were frustrated for a century by segregationists in Congress and a distorted memory of Reconstruction that generated fears of Black political empowerment.

Buoyed by the civil rights movement, in the 1960s and 1970s District residents and their supporters in Congress secured the right to vote in presidential elections, won back local self-government, and secured a non-voting delegate in the House of Representatives. They have since sought full voting representation in the Congress, working with a broad national coalition to pass a D.C. Voting Rights Amendment in 1978 (which expired without ratification in 1985) and a statehood bill in 2019. More than two centuries since Congress took up residence in the federal district, Washingtonians and their supporters nationwide are still working to construct a new mound, a strong barrier capable of protecting the principles of both “exclusive legislation” and “no taxation without representation.”

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