

S. 1257: THE DC VOTING RIGHTS ACT

**UNITED STATES SENATE
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS**

**THE HONORABLE JOSEPH LIEBERMAN, CHAIRMAN
THE HONORABLE SUSAN COLLINS, RANKING MEMBER**



**TESTIMONY OF ADRIAN M. FENTY
MAYOR
DISTRICT OF COLUMBIA**

TUESDAY, MAY 15, 2007

Mr. Chairman, Ranking Member Collins and distinguished committee members, it is my pleasure to be here today to speak to you about S. 1257, the DC Voting Rights Act. My name is Adrian Fenty, and I took office this past January as the fifth elected Mayor of the District of Columbia.

The District of Columbia has 572,000 residents. Our population is approximately 75,000 people greater than that of Wyoming, which has two Senators and a member of the House.

The DC Voting Rights Act represents the latest step in an expansion of democracy for the District of Columbia. The District had brief home rule in the 19th Century. We voted in our first presidential election in 1964. We elected our first local board of education in 1968, and Congress restored the position of nonvoting Delegate to the House in 1970. Our modern home rule government began in 1973.

Today, my constituents – your neighbors – are the only people in the United States who pay federal income taxes and have no voting representation in the United States Congress. Our federal taxes, to the tune of about \$6 billion a year, are the second highest per capita among the states. Yet we have no say in how that money is spent. We serve on federal juries, with no say in the laws we take an oath to uphold at the courthouse. And we have suffered casualties in every major war – including Iraq – without ever having a vote in the legislative body that approves and funds military action.

As you know, Congress also oversees our locally-funded budget and our locally-passed laws.

Mr. Chairman, Members of the Committee, we are the only capital of a democracy on Earth that has no vote in the national legislature. We cannot be an example in the eyes of the rest of the world when this is the case.

This injustice has stood for more than 200 years. You have the power to end it. It is Congress that eliminated voting rights for the District of Columbia in 1801, and it is Congress that can give them back.

I am aware of the political reality of adding a seat in a narrowly-divided House for a jurisdiction that tends to elect Democrats. Congresswoman Norton and Congressman Tom Davis, a Republican, have struck a balance in the DC Voting Rights Act by adding a seat for Utah as well. That state missed an additional congressional district by 857 people in the last census, amid objections over not including 11,000 overseas missionaries.

Such expansions of Congress have historically come in balanced pairs, such as the addition of seats for Republican Alaska and Democratic Hawaii in 1959. Notably, it is a bipartisan pair of Senators who have brought the Voting Rights Act into this body.

I am also aware of the constitutional objections to this legislation. As the chief executive for the District of Columbia, I have taken an oath to defend the Constitution of the United States.



Thus, while it is my desire to see the District represented in the House, it is my responsibility to endorse only a means of doing so that would be constitutional.

Opponents of the DC Voting Rights Act contend that it is unconstitutional because the Constitution limits the House of Representatives to members elected by “the several States” and therefore cannot include the District of Columbia. We disagree, and we have no shortage of legal opinions from scholars on both sides of the aisle who share our view. Congress has acted hundreds of times under the District Clause and other parts of the Constitution to treat the District as a “state” for other reasons, including taxation and diversity of citizenship in federal court. The fundamental right of electoral participation should be included in this list.

I believe the framers of the Constitution could not have imagined a thriving metropolis of more than a half-million people living year-round in the District of Columbia, many unconnected to the District’s original purpose of housing the federal government. So it is beyond good sense that the framers of the Constitution would intend to deprive residents of the nation’s capital of their fundamental right to vote.

It is also beyond good sense that our lack of democracy continues, more than 200 years later.

I urge you to take action on this important legislation as soon as possible.

Thank you again for the opportunity to testify today. I’m happy to answer any questions.

