



**STATEMENT OF
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HEARING ON S. 132, THE “NEW COLUMBIA ADMISSION ACT”

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

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Chairman Carper, Ranking Member Coburn, and members of the Committee, I am Wade Henderson, President and CEO of The Leadership Conference on Civil and Human Rights. I appreciate the opportunity to speak before you today regarding The Leadership Conference’s strong support for providing voting rights and self-governance to the District of Columbia, in general, and for S. 132, the “New Columbia Admission Act,” in particular.

The Leadership Conference on Civil and Human Rights is the nation’s oldest and most diverse coalition of civil rights organizations. Founded in 1950 by Arnold Aronson, A. Philip Randolph, and Roy Wilkins, The Leadership Conference seeks to further the goal of equality under law through legislative advocacy and public education. The Leadership Conference consists of more than 200 national organizations representing persons of color, women, children, organized labor, persons with disabilities, older Americans, the LGBT community, and major religious groups. I am privileged to represent the civil and human rights community in submitting testimony for the record to the Committee – and I want to express my strong gratitude to you for today’s hearing and also for your support over the years in the effort to give DC residents a meaningful voice in Congress.

In organizing legislative hearings such as this, I know that it is common to distinguish between expert witnesses, on one hand, and affected individual witnesses, or what Congressional staffers sometimes refer to as “victims,” for lack of a better term, on the other. Interestingly enough, I feel as though I can speak before you today in both capacities. With my twin roles in mind, I would like to proceed by discussing what I see as the two basic, fundamental questions that have brought us here today: first, why this issue? And second, why this approach?

Why This Issue?

In answering the first question, I would like to begin on a personal level. As a lifelong civil rights advocate, I have always spoken out on Capitol Hill on behalf of the rights of my fellow Americans. As many of you on this Committee who I’ve had the pleasure of working with know,



I have strived to do so on a nonpartisan basis. And throughout the course of my career, I have been fortunate to see changes that have made the nation a better, stronger place, one that is more aligned with its founding principles. We continue to break down barriers to equality and opportunity for Americans from all walks of life, and now more than ever, our government at all levels continues to more closely reflect the make-up of our great nation.

I have seen great progress in the District of Columbia as well. When I was born in the old Freedman's Hospital, on Howard University's campus, the city's hospitals were segregated along racial lines by law. That is no longer the case.

LeDroit Park, where I grew up and where I now own a home, was once an all-black neighborhood by law and by custom. Today, however, people of all races and from all around the world live in the area as my neighbors and friends. Gone, too, are the remnants of the system of *de jure* separate schooling that sent me to an all-black elementary school, despite the fact that I started grade school after the landmark ruling in *Brown v. Board of Education* had officially outlawed racial segregation.

Yet one thing still has yet to change for me as a lifelong resident of Washington: in spite of all of the progress we have seen, and in spite of all of my efforts to speak out on Capitol Hill on behalf of other Americans, I have never had anyone represent me on Capitol Hill with a meaningful ability to speak out on my own behalf. For over 200 years, my hundreds of thousands of neighbors in this city and I have been mere spectators to our democracy. Even though we pay federal taxes, fight courageously in wars, and fulfill all of the other obligations of citizenship, we still have no voice when Congress makes decisions for the entire nation on matters as important as war and peace, taxes and spending, health care, education, immigration policy, or the environment.

And while we DC residents have long understood the unique nature of our city in the American constitutional system, and we recognize Congress' expansive powers in operating the seat of our federal government, we are not even given a single vote in decisions that affect DC residents and DC residents alone. Without as much as a single vote cast on behalf of DC residents, Congress decides which judges will hear purely local disputes under our city's laws, can overrule how local tax revenues will be spent, and has even tried to micromanage the appropriate penalties for minor, nonviolent legal offenses. Adding insult to injury, we have even been barred from casting a single vote when Congress has decided, in past years, to prevent our elected city officials from using our own tax dollars to advocate for a more meaningful voice in our democracy.

It is enough to make people feel like dumping crates of tea into the Potomac River.

From a broader civil and human rights perspective, the continued disenfranchisement of DC residents before Congress continues to stand out as the most blatant violation of the most important civil right that Americans have: the right to vote. Without it, without the ability to hold our leaders accountable, all of our other rights are illusory.



Our nation has certainly made tremendous progress throughout history in expanding this right, including through the 15th, 19th, and 26th Amendments; and in the process, it has become more and more of a role model to the rest of the world. The Voting Rights Act of 1965 has long been the most effective law we have to enforce that right, and it has resulted in a Congress that increasingly looks like the nation it represents. Its overwhelmingly bipartisan renewal in 2006, including a unanimous vote in the Senate and only token resistance in the House, stands out as one of Congress' finest moments in many years.

In spite of this progress, however, one thing remains painfully clear: the right to vote is meaningless if you cannot put anyone into office. Until DC residents have a vote in Congress, they will not be much better off than African Americans in the South were prior to August 6, 1965, when President Johnson signed the Voting Rights Act into law – and until then, the efforts of the civil rights movement will remain incomplete.

The situation will also undermine our nation's moral high ground in promoting democracy and respect for human rights in other parts of the world. Indeed, the international community has been taking notice. In December of 2003, for example, a body of the Organization of American States (OAS) declared the U.S. in violation of provisions of the American Declaration of the Rights and Duties of Man, a statement of human rights principles to which the U.S. subscribed in 1948.¹ In 2005, the Organization for Security and Cooperation in Europe, of which the U.S. is a member, also weighed in. It urged the United States to “adopt such legislation as may be necessary” to provide DC residents with equal voting rights.²

Extending representation to DC residents is one of the highest legislative priorities for The Leadership Conference on Civil and Human Rights, and for me on a personal level as a DC resident myself, and it will remain so until it is achieved.

Why this Approach?

Mr. Chairman, before turning to a discussion of S. 132, I must say that I come before this committee today with a great deal of frustration. For decades, DC residents like me have urged Congress to provide us with the same rights in these halls that all other Americans enjoy. Indeed, this is my fourth time testifying on the issue since 2004 – and when I appeared before this Committee in 2007, I was especially honored to sit at this table with the late Secretary Jack Kemp who, as always, spoke eloquently and thoughtfully about the need for Congress to correct “this unique historical injustice.”

¹ Inter-American Commission on Human Rights, *Statehood Solidarity Committee/United States*, Report No. 98/03, Case 11.204 (Dec. 29, 2003).

² OSCE Parliamentary Authority, Washington, *DC Declaration and Resolutions Adopted at the Fourteenth Annual Session* (July 1-5, 2005).



Yet despite our best efforts, nothing has changed. The last time Congress took up the issue, in the 111th Congress, I and many other advocates even went so far as to accept an amendment by then-Senator John Ensign (R-NV) that repealed most of DC's firearm laws, in order to secure Senate passage of a bill to provide DC with a voting House member – even though it undermined the very principles that lay at the heart of the bill. But rather than allow that compromise to pass the House, opponents snatched defeat from the jaws of victory by proposing drastic last-minute changes to the gun amendment that they knew the city could not possibly accept. Four years later, over 600,000 District residents are still left without any meaningful voice.

That said, I am very grateful to you, Mr. Chairman, and to your colleagues who have joined you in bringing the attention of Congress back to this issue. As our nation continues our efforts to promote our values abroad, we must always be mindful of the fact that democracy begins at home. I believe the enactment of S. 132, the “New Columbia Admission Act,” would finally resolve this glaring inconsistency in our system of government, and it would bolster our moral authority around the world at a time when it is so profoundly important.

S. 132 would establish a process for the current District of Columbia to be admitted as our nation's 51st state. It would begin by requiring DC voters to agree to statehood, something they have already expressed support for in the past, and it would lay the groundwork for the election of a Representative and two Senators to Congress. Pursuant to Article I, Section 8 of our Constitution, S. 132 would define a separate and distinct seat for our federal government, by carving out a small area of the current District that includes the White House, the Capitol, the Supreme Court, and many other federal buildings. The United States would retain title to federal buildings and properties that lie outside of this new district. S. 132 also provides for the transfer of legal proceedings from the current District to the state of New Columbia, where appropriate, and defines the legal relationships between the new District and the new State. Because some current DC residents would still reside within the new District, S. 132 would allow them to vote in and be represented by the state of their most recent domicile. Finally, it would set in motion a process to repeal the 23rd Amendment.

Mr. Chairman, I know that Professor Viet Dinh and former OMB Director Alice Rivlin will discuss some of the constitutional and financial issues, respectively, surrounding the creation of New Columbia, and I am happy to defer to their expertise. But because the issue of repealing the 23rd Amendment was such a significant part of the discussion in 1993, when Congress last considered a proposal to create the state of New Columbia, I would like to briefly chime in on that point here. In short, opponents of DC statehood have argued that New Columbia cannot properly be created through the legislative process alone.

While I believe that nothing in the Constitution precludes Congress from creating a state out of the existing District of Columbia, the existence of the 23rd Amendment – which now provides DC residents with three electoral votes in presidential elections – does indeed create an important practical consideration. Because a very small number of voters would still reside in the new District of Columbia, leaving the 23rd Amendment intact would create an absurdity in which



those voters would retain a disproportionately large influence in presidential elections under its provisions. These three electoral votes, of course, would be in addition to those the state of New Columbia would be entitled to following its creation.

I certainly agree that the 23rd Amendment would need to be repealed upon the creation of New Columbia, and that this of course would have to be done through the regular process by which we amend our Constitution. But to opponents of statehood who have relied on this as an argument in the past,³ I have to ask: so what? I do not see this repeal as a particularly difficult proposition for lawmakers. In fact, I find it nearly impossible to fathom that any lawmakers in their right minds, either in Congress or in the states, would stand in the way of repealing the 23rd Amendment if the question were put before them, as the failure to repeal it would only dilute their own states' electoral votes in presidential elections, to the benefit of a tiny handful of voters who remained in the federal enclave.

I realize that there will be a number of other constitutional and practical questions that will be discussed today about the creation of New Columbia and a separate federal district. As we undertake that discussion, I would urge the Committee to consider this: given the principles on which the bloody struggle for our nation's independence was based, I think it is more likely than not that our Founding Fathers would have wanted Congress to have extensive leeway to prevent the evil of "taxation without representation" from ever being imposed on American citizens again. In fact, given the current size combined with the second-class political status of the DC population today, I believe they most likely would be horrified that Congress had not addressed the situation a long time ago.

Ultimately, I believe that the creation of a new state, as proposed in S. 132, is the approach to this issue that moves us closest to the ideals for which our Founders fought. It extends to citizens not only full representation in Congress, but unlike some other proposals that have been considered in the past, it also extends the dignity of self-governance to which all human beings are entitled. I am grateful that you have brought it up for discussion today, and I look forward to working with you to make it a reality.

This concludes my prepared remarks. Again, thank you for inviting me to speak before your committee today. I look forward to answering any questions you may have.

³ See, e.g., Pate, R. Hewitt, *D.C. Statehood: Not Without a Constitutional Amendment*, Lecture #461 on Political Thought, Heritage Foundation (Aug. 27, 1993), available at <http://www.heritage.org/research/lecture/dc-statehood-not-without-a-constitutional-amendment>