



## The District of Columbia Voting Rights Movement

**Purpose:** For over 200 years, the citizens of Washington, DC have had no voting representation in the U.S. Congress. While political movements have afforded voting rights to women, people of color and young people, full voting rights for citizens of the District of Columbia remain unattained. This issue embodies aspects of American tenets of democracy: voting, representation, justice and equality and thus raises interesting and provocative questions for students studying “democracy” in a historical as well as philosophical academic curriculum. Written in conjunction with the League of Women Voters Education Fund (LWVEF), this lesson plan provides students the opportunity to analyze the history of the issue and the relevant sections of the U.S. Constitution questioned within the debate, and draw their own conclusions on the issue.

Level: Middle/High

### Objectives:

1. Students will analyze maps, charts, cartoons and news articles related to the issue of voting rights and the District of Columbia.
2. Students will define the purpose of congressional representation.
3. Students will analyze, compare and contrast *Article I, section 2 and 3*, in reference to “representation by the People of the States,” and the *District Clause (Article I, Section 8, Clause 17)* of the United States Constitution which defines the authority of the U.S. Congress to exercise “exclusive” legislative powers “in all cases, whatsoever” over the District of Columbia.
4. Students will examine the relationship between the 23rd Amendment (granting DC citizens 3 electoral votes) and voting rights Amendments made for other minority groups.
5. Students will understand how DC citizens are affected by not having full representation in the U.S. Congress. They will understand the difference in power between the District’s non-voting delegate and U.S. House and Senate members.
6. Students will evaluate viewpoints of this issue and make critical inferences and decisions on the debate of granting voting representation to citizens living in the District of Columbia.

### Key Terms:

<i>Article 1 of the Constitution</i>	<i>Disenfranchisement</i>	<i>District Clause</i>
<i>Home Rule</i>	<i>Non-voting Delegate</i>	<i>Representation</i>
<i>23 Amendment</i>	<i>Taxation without Representation</i>	

**Materials:**

1. Transparency: *Map of the District of Columbia*.
2. Transparency: *Character Quote*.
3. Transparency: *Powers of the Non-voting Delegate: Eleanor Holmes Norton*.
4. Transparency: *Our Right to Vote: A Brief Overview of Voting Rights in America*.
5. Teacher resource: *Timeline of DC History Activity*.
6. Student Handout: *A Brief History of Washington, DC*.
7. Transparency: *A Brief History of Washington, DC*.
8. Transparency: *A Brief Timeline of Washington, DC History*.
9. Transparency: *What Does the Constitution Say?*
10. Transparency/student handout: *Case Study: Washington, DC, Wyoming and Puerto Rico*.
11. Teacher resource: *Role Play Activity: The Handgun Ruling in the District of Columbia*.
12. Student handout, article (optional): *Williams Rebukes Senators Trying to Revoke Gun Ban; Bill Called Insult to Residents, Victims*.
13. Student handout, article (optional): *Court Overturns DC Handgun Ban*.
14. Student Handout and transparency: *Cartoon Wrap Up*.
15. Student Handout: *Exit Slip: My Decision*.
16. Student handout, article: *Picking the Brains of Our Founding Fathers*.

**Procedure:**

1. **Warm Up: Have You Been Excluded?** Ask students: Have you ever been in a situation where you were not allowed to participate in an activity or event because of your gender, age, etc? How did that make you feel? Was it fair? What did you do about it? Have students turn to the person to their left and share their responses.
2. **Washington, DC: Geography Review**
  - a. Show a *Map of the United States* and ask students to locate Washington, DC.
    - Where is DC in relation to where you live?
    - What states surround the District of Columbia?
    - What do you know about DC? Why is this District important?
    - What might you see if you were to visit?
  - b. Next, project the transparency *Map of the District of Columbia*. Ask students:
    - Look at the boundary of the District. What shape does it (almost) form?
    - What might have happened to the portion of land that completed the square?
    - Why are the lines so straight? Why would the people building a city where the federal government is located want a square portion of land?
    - What do you associate with the city of Washington, DC? People, monuments, places, symbols, etc. (*The Nation's Capitol, Monuments, Government, Congress, etc.*)
    - Ask students to list the types of jobs in their community (*infrastructure examples include: police force, schools, garbage people, hospitals, road workers, etc.*) Who works these jobs (*Parents, friends, citizens*)?
    - Do the same jobs exist in Washington, DC? (*Yes, people live and work there*)
    - How many people do you think live there? (*over 600,000*)

- Are there states with approximately the same population? (*Yes, 7! Wyoming, Alaska, North Dakota, South Dakota, Delaware, Montana and Vermont. In fact, Wyoming has less!*)

### 3. What Does a Congressperson Do?

Either before or during class, have students identify their two U.S. senators and their district's representative. Use one of the following Web sites to help students identify their congressional representatives:

- The Speak Out! section of the YLI Web site: <http://capwiz.com/yli/dbq/officials/>, or
- The Take Action section of the League of Women Voters Web site: <http://takeaction.lwv.org/lwv/dbq/officials/>.
  - a. Show the representative's pictures and ask students:
    - How was this person chosen to represent citizens in your district and state? (*Elected by citizens in the district and/or state.*)
    - What do representatives do on behalf of you, your parents, family, and other citizens in your town? (*Make sure that the federal government recognizes the needs and interests of citizens in a particular state.*)
    - Why do they physically spend time in Washington, DC representing your state? (*The federal government is located in Washington, DC and the capital serves as a neutral ground where congressional representatives come together to write laws that serve and protect all U.S. citizens, including citizens living in their home states.*)
    - How old does a citizen have to be in order to vote in national, state or local elections? (*18 years of age*)
    - Why might a voter choose a particular candidate? (*Support/oppose same issues as that candidate, trust, admire, etc.*)
    - Do most citizens 18 and older living in the United States have the right to vote for President, House Representatives and Senators? (*Yes – except for convicted felons in most states. Each state treats former felons differently too.*)
    - Do citizens generally pay taxes and follow laws?
    - What are taxes and where does that money go? What is the difference between local, state and federal taxes?
  - b. Refer back to the *Map of the District of Columbia*. Explain to students that citizens living in Washington, DC work regular jobs, live in regular communities, need services (schools, hospitals, police, etc), and pay federal taxes just like the people in their town. There is one major difference, however: Washington, DC citizens can vote for President and a “non-voting Delegate” who sits in the U.S. House of Representatives. This means that DC citizens do not have an equal say in how tax dollars are spent or in developing the laws that govern our country. Their district is not managed the same way as other cities or states.
  - c. Project the transparency, *The Power of the Non-voting Delegate*. Explain to students that Eleanor Holmes Norton (show a photo if desired) is the current Non-Voting Delegate who sits in the U.S. House of Representatives. She is elected by the citizens

of the District of Columbia (similar to how their local representative is elected). She is only the third delegate in DC's history. (DC was not given any representation in the U.S. House until the 1970's.) The non-voting Delegate has the privileges of a member of the House **except** the ability to cast votes on the House floor. This means that while the delegate can participate in debates; speak and vote in committee meetings; acquire seniority through service; and introduce legislation, she cannot vote on any bills. Because Congress oversees all of DC's legislation and budget decisions, she can voice her concerns about what Congress does with local DC tax dollars and laws, but cannot vote on it. Therefore, while she represents DC as best as she can, in the end, representatives from other States make decisions on what happens to DC's schools, roads, businesses, etc.

- Ask students: Since the DC Delegate can do everything a representative can do except vote, does this make the position symbolic?
  - Why do citizens who live in Washington, DC get to vote for a representative that does not actually get to make decisions with all the other elected representatives?
  - What power does this provide or not for the citizens of the District of Columbia? In what way can her powers help/hinder the citizens she represents?
  - Are DC citizens given the full privilege of citizenship, then?
- d. Project the transparency *Character Quote* and ask students to make their own predications about what the quote means.

"It is time to fix the leftover business from civil rights, and bring equal rights to all Americans, including District residents."

What does Eleanor Holmes Norton mean by this statement? What "leftover" business might District residents still have? Who did the civil rights movement help? How are those people still affected by DC citizens' lack of voting rights?

4. **Review of the History of Voting Rights in America.** Explain to students that there are groups of people in America that have had to fight for their right to vote so that their interests would be properly represented in the U.S. government. Project the transparency, *Our Right to Vote: A Brief Overview of Voting in America*. Ask students to compare and contrast the pictures and answer the questions. Ask:
- Who do you see in each picture? (Women, African-Americans, citizens of many ethnicities, respectively)
  - What document gives students the right to protest or speak freely? (U.S. Constitution)
  - Why do people protest? What are other forms of protest? What do you think is the most effective form of protest?
  - Where are these demonstrations happening? Why there? (*Washington, DC*)
  - How are the people in each photograph similar? Different? (*i.e., They are of different races and ethnicities, but they were all denied the right to vote by the U.S. Constitution. All of the people in the first two movements, are still fighting in the third movement – women and people of color live in Washington, DC*)

- Do you think it took only one protest for these people to achieve their goals? (*No, it took decades. DC citizens are still working for equal representation*)
- Have you ever been in a situation when you were not allowed to participate in an activity because of who you were, i.e. your gender, age, etc? How did that make you feel? Was it fair? What did you do about it?
- What does the word enfranchise mean? Technically, do ALL law abiding citizens of voting age actually have the benefit of full voting rights? (*No, DC citizens do not*)
- Do you think voting is a right or a privilege? Why?
- What, then, does it mean to disenfranchise a person or group of people from voting? Why might this be a problem?

Briefly, review what has happened so far. First, students located Washington, DC and compared it to their own community. Next, they figured out who their U.S. congressional representative is and talked about what representatives do for citizens. After that, they learned about a special case in the U.S. House of Representatives, the non-voting delegate, and discussed how this person impacts the people she represents. Finally, students briefly analyzed and compared three voting rights movements and determined that citizens living in the District of Columbia do not have full voting representation like other U.S. citizens. Next, students will find out why, and what has been done to gain those rights.

5. **Overview of the History of the District of Columbia.** Draw a line on the board and write in the following years. Using the slips of paper from the *Timeline of DC History Activity*, choose several volunteers to determine the order in which they think the events happened. Remind students that they are only predicting the timeline and the entire class can work together.

1789: The United States Constitution is ratified. It includes language about creation of a “District” but does not imply where that area will be.

1791: Two counties – one in Maryland, one in Virginia – are ceded, or given, to the Federal government to create a distinct territory, the District of Columbia. At this time, people living in these areas are still voting in Maryland and Virginia elections.

1801: Washington, DC becomes the official capital of the United States and citizens living in the District are no longer allowed to vote in elections.

1920: Congress passes the 19<sup>th</sup> Amendment to the U.S. Constitution, granting women the right to vote.

1961: Congress ratifies the 23<sup>rd</sup> Amendment to the U.S. Constitution, granting DC residents the right to vote in U.S. Presidential elections.

1965: President Lyndon B. Johnson signs the Voting Rights Act of 1965.

1971: Walter E. Fauntroy elected the first non-voting Delegate to the U.S. House of Representatives since 1875.

1974: Walter B. Washington elected first Mayor of Washington, DC.

1985: The DC Voting Rights Constitutional Amendment fails when only 16 of the required 38 states approve the measure.

1993: Members of the U.S. House of Representatives discuss granting state status to Washington, DC, but the attempt is defeated.

2006: The District of Columbia Fair and Equal House Voting Rights Act, which suggests that DC receive one full voting member in the U.S. House stalled.

2007: New bills were introduced into the U.S. Congress. The U.S. House of Representatives passed a bill that would provide a representative to the District of Columbia and an additional representative to the state of Utah. As of June 15, 2007, the companion bill in the Senate is currently being debated.

Once students have created their version of the timeline, project the short or long version of the transparency, *A Brief History of Washington, DC* and discuss with them the actual version of events. Update the timeline as you progress and help students comprehend that citizens living within the boundaries of Washington, DC have been working to gain voting rights for over 200 years.

Ask students:

- How many years does this timeline span? (*Over 200 years*)
- In 1791, the city of Washington was created by the federal government using lands given to the government from what two states? (*Maryland and Virginia*)
- Until 1801, were citizens living in Washington allowed to vote? How? (*Yes, they voted as citizens from either VA or MD*)
- Why do you think the federal government decided to take away voting rights for citizens living in close proximity its seat? In other words, why would leaders want the federal capital to be on "neutral" ground and not in a particular state? (*Answers may vary, but at the time, some leaders feared that citizens living in close proximity to the seat of government could influence decisions being made.*)

6. **Conflict in the Constitution: What Does It Say?** Show the transparency, *What Does the Constitution Say?* and briefly review with students. Then, using the resource, *Case Study: Washington, DC, Wyoming, and Puerto Rico*, have students compare and contrast the facts about each and make generalizations about voting representation using the questions provided on the chart.

7. **Making Connections: Decisions in DC - Should Handguns Be Banned?** In this role play, *The Handgun Ruling in the District of Columbia*, students discuss the impact of the recent court ruling on handgun ownership in the District. Ask for about nine volunteers and provide scripts for each student to act out for the class. Afterwards ask:

- What state does Senator Hutchinson live in?
- Which citizens are Mayor Fenty and Delegate Norton representing?
- Why did the Congress introduce the legislation in 2004?
- What arguments were presented to support and oppose the lifting of the ban?
- Did DC citizens actually have a "voice" in the matter? Why or why not? How was that voice articulated? (Fenty, protests?)
- What solutions did the citizens in the play present for consideration that would address the issue of representation?
- Do you support or oppose one of the options?

Alternative to role play: All information in the role play is based on two included articles, *Williams Rebukes Senators Trying to Revoke Gun Ban*; *Bill Called Insult to Residents, Victims*, and, *Court Overturns DC Handgun Ban*. Students can read the articles *instead of* acting out the role play and answer the following questions:

- When were these articles written? Are they current?
- What state does Senator Hutchinson live in? Which citizens was she elected to represent?
- Which citizens did Mayors Williams and Fenty, respectively, and Delegate Norton represent?
- Why did citizens of DC support a measure to completely ban handguns in their communities in the 1970s? What has been the result of banning guns in DC?
- In the Sheridan article, what reason did Senators Hutchinson and Allen give for supporting the removal of the ban on handguns?
- What response did the Mayor and the Delegate give in return?
- Which representatives have the better idea of what the local citizens prefer and need? Why?
- Based on information presented in both articles, do you think the court ruling was the best decision for DC citizens? Why or why not?

8. **Wrap Up: You Decide.** Students should now have enough information to make an informed decision regarding whether or not they support or oppose a measure that would provide DC citizens with full voting representation in Congress. As a final exercise, have students analyze the political cartoon in the *Cartoon Wrap Up* and complete the questions at the bottom of the page.

### Extension Activities:

1. **Considering the Options.** Have students research and analyze the primary options available to DC citizens that would provide full voting representation in Congress: legislation by Congress, retrocession, a constitutional amendment, or statehood. Which option do they support? Why?
2. **Article Case Study.** Either individually or in groups, before or during class, have students read the article, *Picking the Brains of the Founding Fathers* and write in support or opposition from the perspective of a Framers in the early 1800s to clarify the answer to the question: Did the founding fathers intend to deprive District residents of a vote in the national legislature?
3. If students have access to website searches have them search the *Colbert Report* guest interviews on the Comedy Central website, where they can watch short clips in which Eleanor Holmes Norton is interviewed on the subject of DC voting rights. Have students analyze the points made for and against the topic on behalf of Mr. Colbert and Delegate Norton and decide whether or not they believe this interview to be substantive reporting.

**Additional resources and information is located on the following Web sites:**

- League of Women Voters Education Fund: [www.lwv.org/dcvotingrights](http://www.lwv.org/dcvotingrights)
- League of Women Voters of the District of Columbia: [www.lwvdc.org](http://www.lwvdc.org)
- DC Vote: [www.dcvote.org](http://www.dcvote.org)
- DC Appleseed: [www.dcappleseed.org](http://www.dcappleseed.org)
- DC Watch: [www.dctwatch.com](http://www.dctwatch.com)
- Voting in America (video): [www.votinginamerica.org](http://www.votinginamerica.org). 9 short documentaries about why some people don't vote and how others are trying to change their minds
- The Library of Congress: <http://thomas.loc.gov/>
- Founding Fathers Info, The Federalist Papers: [www.foundingfathers.info/federalistpapers/](http://www.foundingfathers.info/federalistpapers/)
- U.S. Constitution: [www.law.cornell.edu/constitution/constitution.overview.html](http://www.law.cornell.edu/constitution/constitution.overview.html)
- U.S. House of Representatives, U.S. Senate: [www.house.gov](http://www.house.gov), [www.senate.gov](http://www.senate.gov)



# Map of the District of Columbia



[http://www.senate.gov/visiting/resources/pdf/new\\_md\\_dc\\_va.pdf](http://www.senate.gov/visiting/resources/pdf/new_md_dc_va.pdf)

## Character Quote

**“It is time to fix the leftover business from civil rights, and bring equal rights to all Americans, including District residents.”**

What "leftover business" might citizens living in Washington, DC have that was not resolved during the Civil Rights movement?

Who is Eleanor Holmes Norton?

Which group of Americans lead the civil rights movement?

Was the civil rights movement successful in guaranteeing the rights of all American citizens legally?

In what ways could the people helped by the civil rights movement still be affected by DC citizens' lack of voting rights?

## The Powers of the Non-Voting Delegate

### Eleanor Holmes Norton



Currently in her 9th term as Delegate for the District of Columbia in the U.S. House of Representatives.

She can sit on Committees. She is currently on the Homeland Security, Government Reform and Transportation Committees.

She can acquire seniority through service to her country.

She can vote in committee meetings and participate in debates with other legislators about legislation.

She can introduce legislation for consideration on the House floor.

She cannot vote on bills being considered in Congress.

**Since the DC Delegate can do everything a representative can do except vote, is the position symbolic? Why or why not?**

**In your opinion, do the citizens of the District of Columbia truly have a "voice"? Why or why not?**

## Our Right to Vote: A Brief Overview of Voting Rights in America

Women's Suffrage Movement



<http://www.loc.gov/rr/print/catalog.html>

Civil Rights Movement



<http://www.loc.gov/>

DC Voting Rights Movement



[www.dcvote.org](http://www.dcvote.org)

Year

1919

1963

2006

Cause

Giving female citizens the right to vote

Giving citizens of color the right to vote

DC citizens full voting representation in Congress

Result

19<sup>th</sup> Amendment passed

Civil Rights Act of 1964,  
14<sup>th</sup> Amendment passed

Home rule (local government voting); 23<sup>rd</sup> Amendment,  
right to vote in Presidential elections; Full  
Congressional voting pending

**What are the people in each picture doing?**

**What U.S. document gives citizens the right to protest or speak freely?**

**Where do you think these demonstrations are happening? Why there?**

**How are the people in each of these photographs similar? Different?**

**How long do you think it took for them to achieve their goals?**

**How are the outcomes similar or different?**

## Timeline of DC History Activity

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The United States Constitution is ratified.

-----cut here-----

Two counties – one in Maryland, one in Virginia – are given to the Federal government to create a distinct territory, the District of Columbia.

-----cut here-----

Washington, DC becomes the official capital of the United States.

-----cut here-----  
Congress passes the 19<sup>th</sup> Amendment to the  
U.S. Constitution, granting women the  
right to vote in federal elections.

-----cut here-----  
Congress ratifies the 23<sup>rd</sup> Amendment to the  
U.S. Constitution, granting DC residents the  
right to vote in U.S. Presidential elections.

-----cut here-----  
President Lyndon B. Johnson signs  
the Voting Rights Act of 1965.

-----cut here-----

Walter E. Fauntroy elected first Non-voting Delegate to the U.S. House of Representatives since 1875.

-----cut here-----

Walter B. Washington elected first Mayor of Washington, DC.

-----cut here-----

The DC Voting Rights Constitutional Amendment fails when only 16 of the required 38 states approve the measure.

-----cut here-----

Members of the U.S. House of Representatives discussed granting state status to Washington, DC but the attempt was defeated.

-----cut here-----

The DC Fair and Equal House Voting Rights Act, which would provide DC with one full voting House member stalled.

-----cut here-----



-----cut here-----

The DC Fair and Equal House Voting Rights Act, which suggests that DC receive one full voting member in the U.S. House stalled.

-----cut here-----

New bills are being introduced into the U.S. Congress. Citizens wait to find out if a bill providing a representative to the District of Columbia and an additional representative to the state of Utah, passed in the U.S. House of Representatives, will also pass in the Senate.

## A Brief History of Washington, DC

### **A History of Democracy Denied**

The history of the disenfranchisement of U.S. citizens living in the District of Columbia is unique. It is a story that helps us understand the frustrations the people of Washington, DC have experienced over the past 200 years and one that helps illustrate the importance of being ever vigilant of the manner by which an elected government treats the people it is supposed to serve.

The city of Washington was first incorporated in 1791 on the northern shore of the Potomac River near Georgetown, Maryland and across the river from Alexandria, Virginia. The “Federal District,” or the “District of Columbia” as it came to be called, consisted of pieces of land that were ceded by Maryland and Virginia to be used as the seat of the federal government.

### **Representation in Congress, Before 1801**

Prior to the establishment of the District of Columbia in December 1800, residents of the newly founded city of Washington, and the existent cities of Georgetown and Alexandria, continued to vote for federal congressional representatives as citizens of either Maryland or Virginia. In fact, Uriah Forrest, a resident of Georgetown within the boundaries of the District of Columbia, served as a Representative from the state of Maryland to the U.S. Congress from 1793-1794.

When Congress arrived to take up residence in the new capital city in 1801, they passed the Organic Acts of 1801, which first disenfranchised the people living in the District of Columbia. The Act prohibited residents of the District of Columbia from continuing to vote in the states from which the District had been created.

### **Early Efforts for DC Voting Rights in Congress**

Very early on, it was realized that there was an inherent inequity in the treatment of citizens who resided in the District. Veterans of the War for Independence, who had fought for democracy and against “taxation without representation,” were now being taxed without representation because they resided in Washington, DC, the capital of the new democracy. As early as 1803, a bill to retrocede the parts of the District of Columbia not being used by the federal government back to Maryland and Virginia was introduced in Congress. In the late 19th century, the city charter of Georgetown was revoked, and Georgetown and Washington were consolidated into one city.

### **A Unique Form of Government**

In 1871, nearly 100 years after the signing of the Declaration of Independence, the District had its first democratically elected government. It was organized like a territorial government and consisted of a governor and a bicameral legislature with an appointed 11-member upper house and an elected 22-member lower house. This government was notoriously corrupt and wasteful. After just three years, Congress intervened and set up a “temporary” solution that lasted for the next 100 years. Under this “temporary” system, three presidential appointed commissioners ran the city. In the late 1960s, President Johnson reduced the number of commissioners to one, whom he began addressing as “Mr. Mayor.” Years of civil rights activism and extreme pressure from the Soviet Union finally culminated in passage of the 23rd Amendment, which allowed District residents to cast their ballots for President and Vice President. The “Home Rule Act,” which was passed in 1974, granted District residents their first locally elected government in 100 years. Under “home rule,” a mayor and a city council governed the city.

In the early 1990s, the city experienced a severe fiscal crisis brought on by mismanagement, costly spending and the crippling costs uniquely borne by the District of Columbia. A financial control board was established to rein in the District’s finances. In 1995, Congress transferred the majority of the

mayor's authority to the unelected control board. In 1999, most authority over city agencies was returned to the city's elected mayor and city council.

### **A Lesser Democracy in DC**

Throughout all the changes in the form and manner of District governance, one thing has remained clear: District residents have had inadequate power over their own affairs. The ultimate power over the District is in the hands of Congress. From 1801 to the present, Congress has ruled over the District with little regard for the promise of America's democracy - that those who govern derive their powers from the governed.

The people of the District of Columbia have not only been left out of decisions affecting how our nation is run, they have been left out of decisions affecting how their **own** city is run. Throughout our nation's history, citizens of the District of Columbia have given the full measure of their allegiance to the United States. They have fought in wars for the United States; they have paid taxes; and they have provided labor and resources to the United States government. Yet, for over 200 years, District residents have been bystanders in the governance of their nation and city.

Source: League of Women Voters, [www.lwv.org](http://www.lwv.org)

## A Brief Timeline of Washington, DC History

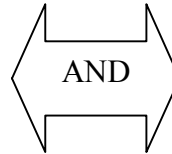
- 1789 The United States Constitution is ratified. It includes language about creation of a “District” but does not imply where that area will be.
- 1791 Two counties – one in Maryland, one in Virginia – are ceded, or given the Federal government to create a distinct territory, the District of Columbia. At this time, people living in these areas are still voting in Maryland and Virginia elections.
- 1801 Washington, DC becomes the official capital of the United States and citizens living in the District are no longer allowed to vote in elections.
- 1920 Congress passes the 19<sup>th</sup> Amendment to the U.S. Constitution, granting women the right to vote.
- 1961 Congress ratifies the 23<sup>rd</sup> Amendment to the U.S. Constitution, granting DC residents the right to vote in U.S. Presidential elections.
- 1965 President Lyndon B. Johnson signs the Voting Rights Act of 1965.
- 1971 Walter E. Fauntroy elected first non-voting Delegate to the U.S. House of Representatives since 1875.
- 1974 Walter B. Washington elected first Mayor of Washington, DC.
- 1985 The DC Voting Rights Constitutional Amendment fails when only 16 of the required 38 states approve the measure.
- 1993 Members of the U.S. House of Representatives discussed granting state status to Washington, DC but the attempt is defeated.
- 2006 The District of Columbia Fair and Equal House Voting Rights Act, which suggests that DC receive one full voting House member stalls. Many attempts are made in the future to seek a legislative compromise in Congress to allow DC voting representation.
- 2007 New bills were introduced into the U.S. Congress. The U.S. House of Representatives passed a bill that would provide a representative to the District of Columbia and an additional representative to the state of Utah. As of June 15, 2007, the companion bill in the Senate is currently being debated.

	<b>Voting Rights for Citizens Living in Washington, DC: The Constitutional Debate</b>	
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**Article I, Section 2, Clause 1, Section 3, Clause 1**

The House of Representatives shall be composed of members chosen every second year by the people of the several states... each state shall have at least one Representative ... The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

**Translated:** Each state will be provided representatives in the House based on population. All states will be provided with two Senators. The Constitution only refers to representation for “states” and does not include the District of Columbia in this discussion on representation apportionment.

**Article I, Section 8, clause 17**

To exercise exclusive Legislation in all Cases whatsoever, over such District ... as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be.

**Translated:** The framers of the Constitution decided to locate the nation’s capital in a district independent of state government and subject it only to federal control. This has come to mean that Congress oversees all legislative and budgetary decisions made by the District local government.

**THE DILEMMA**

The Constitution provides all states with congressional representatives to represent their interests in the federal legislature (especially given that citizens in these states pay state and federal taxes). Citizens in Washington, DC pay both federal and District taxes and have all the needs of ordinary citizens in any city or state. Yet, because their “representative” does not get to vote on issues (nor do they have Senators to represent them either), they do not have the same rights as other citizens within the federal legislature.

	<b>Voting Rights for Citizens Living in Washington, DC: The Constitutional Debate</b>	
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### CONSIDERATIONS

- A)** When the Constitution was written, the nation's capital was not yet created.
- B)** The Constitution does provide states with representation, but does not specifically state that the District will not have representation.
- C)** The Constitution allows Congress authority to make legislative decisions on behalf of the District. This could include providing voting rights.
- D)** The record shows that the founders were concerned about the rights of District citizens and left open the possibility that future generations could address the inequity. In fact, Alexander Hamilton proposed to let DC residents vote with Maryland or Virginia until their population grew, at which time Congress would give DC voting representation.

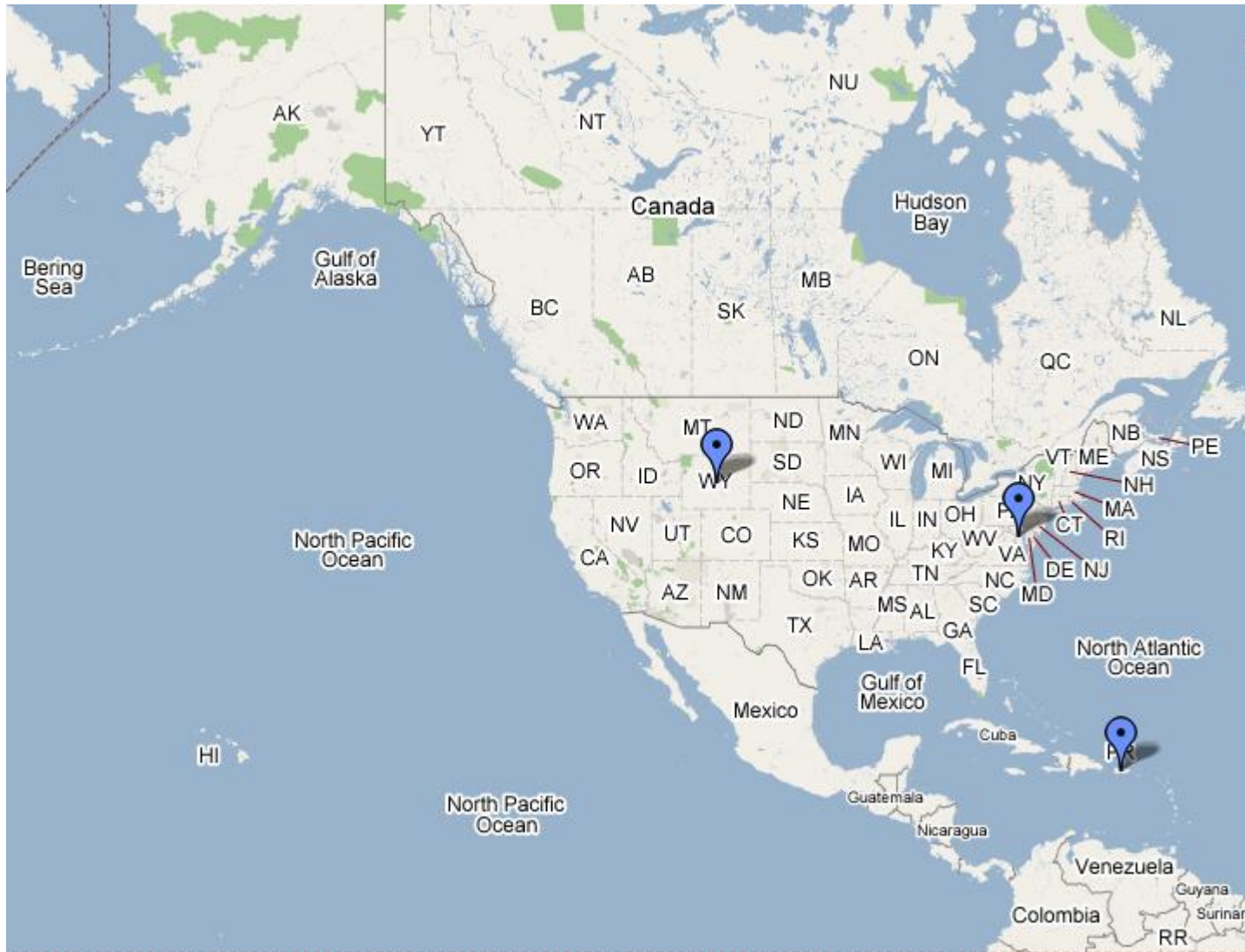
### THE DEBATE ABOUT VOTING RIGHTS

It's **UNCONSTITUTIONAL**: The Constitution states that only States are provided with representation. Therefore, the District should not be allowed to have representation because it is not a state.

It's **CONSTITUTIONAL**: There are several reasons in support, including

- A)** The District Clause states that Congress has legislative authority over the District. Therefore, it could create legislation to allow for District citizens' voting rights.
- B)** To amend the Constitution would not be unprecedented. After all, the Constitution did not include representation for women or people of color, but it has been ratified to enfranchise those voters.
- C)** DC, just like Alaska and Hawaii (which were territories in the past) could become a state through legislation. The United States was not always made up of 50 states. We have grown and we could continue to grow.

## Case Study: Comparing Washington DC, Wyoming, and Puerto Rico



## Comparing Washington, DC, Wyoming, and Puerto Rico

	<b>Washington, DC</b>	<b>Wyoming</b>	<b>Puerto Rico</b>
<b>Location</b>	East Coast, USA	Midwest, USA	Atlantic Ocean
<b>Official Status</b>	U.S. Territory and Federal seat of government	State	U.S. Territory
<b>Population</b>	581,530	515,004	3,944,259
<b>Number Votes in Senate</b>	0	2	0
<b>Number Votes in House</b>	0	1	0
<b>Pay Federal Taxes</b>	Yes	Yes	No
<b>National Voting Status in U.S. Federal Elections</b>	President only	President, Congress	No Vote

<https://www.cia.gov/library/publications/the-world-factbook/>; <http://factfinder.census.gov/>; [http://eadiv.state.wy.us/Wy\\_facts/facts06.pdf](http://eadiv.state.wy.us/Wy_facts/facts06.pdf)

*In groups or individually, answer the following questions:*

1. Using the map, point out each location. How close it is to where you live?
2. Compare the number of people living in Washington, DC and Wyoming. What do you notice?
3. What do you notice about the number of House Representatives allocated to Washington, DC and Puerto Rico?
4. Do Puerto Rican citizens pay taxes and vote in federal elections? How do DC citizens compare?
5. Do either DC or Puerto Rican citizens have a full voting representative in Congress? Are the reasons for that the same or different? How? Are the two equal in status? Is this fair?



## Role Play Activity: The Handgun Ruling in the District of Columbia

Setting: Four students are watching a news conference in which Senators propose legislation that would impact handgun laws by which citizens of the District of Columbia currently abide, and people speak on the importance of the case. Students then discuss what they saw on the news and discuss their opinions on the issue.

Reporter: *(As if you were narrating.)* Senator Kay Bailey Hutchinson, the U.S. Senator from Texas, proposed legislation in 2005 that would lift the ban on handguns in the District of Columbia that had been in effect for over 30 years. The question is, why?

Senator

Hutchinson: This repeal was needed to allow District residents the right to protect themselves in their homes, where the laws barred them from keeping guns. I'm fulfilling my constitutional responsibility to oversee the District of Columbia, and I am pleased that the U.S. Court of Appeals for the DC Circuit voted 2 to 1 to repeal the outdated law.

Reporter: However, officials elected to oversee policies for District citizens, disagreed.

DC Mayor

Adrian Fenty: I am personally deeply disappointed and quite frankly outraged by this decision. It flies in the face of laws that have helped decrease gun violence in the District of Columbia, and could possibly help put more guns in the hands of young people. We were on the right track in reducing the crime rate in the District, getting guns off the streets and seeing a decline in homicides in the last few years.

Reporter: Witness in the case, DC resident Tom Palmer, testified differently however.

Tom Palmer: This ruling is a victory for our citizens. I was assaulted once, and I want a gun in my house for self-defense reasons. The fact is that criminals don't obey the law and they *do* have guns. It's the law-abiding citizens who are disarmed by this law.

Reporter: Lawyers argued on behalf of the District that the Second Amendment right to bear arms applied only to organized state militias and service for the state. Judge Karen Henderson, the lone dissenting opinion, agreed with that argument, saying that the Second Amendment does not apply to DC because DC is not officially recognized as a state.

Senator

Hutchinson: It's a matter of self-defense. The Court agreed that DC's definition of "militia" is just too narrow. The phrase "right to keep and bear arms" is used too many times by the framers to mean that citizens can have guns only for military reasons. I want District citizens to feel safe. We need to give citizens the ability to protect themselves.

Reporter: DC Delegate Eleanor Holmes Norton also spoke about the ruling, which directly impacts District residents.

Delegate

Norton: This is a very serious matter for the District. It is insulting to DC residents that the senators involved will make this decision on behalf of the District but share neither in the bloodshed nor heartbreak that will result in the rise of guns available in this city.

Reporter: New York and Chicago have similar gun laws, among the strictest in America. Lifting the ban on handguns in the District is also one of the most important rulings on gun control in 70 years. Scholars say this case could set up one of the biggest fights over gun rights in the modern history. And now, back to the news desk.

*(Previous actors can sit.)*

Citizen 1: Wow, that's interesting isn't it? Legislators who were elected to represent citizens in other states were able to propose legislation that lifted a ban on handguns in Washington, DC.

Citizen 2: Yeah, I know. I can't decide which is better: not having to worry about citizens being able to buy guns, or knowing that I'm safe because I have the ability to defend myself in case something happens.

Citizen 3: I wonder how much time U.S. Senators actually spend in Washington, DC while they are in office? Why would they have to be able to own handguns in order to feel safe?

Citizen 2: Well, they probably live in the city part-time while Congress is in session. But I'm still confused. I thought senators and house representatives were elected to represent the people that elected them from their state.

Citizen 1: They are supposed to represent citizens from their state. But, remember, the U.S. Constitution allows Congress to have the final say on all matters related to the District, even if it doesn't impact citizens in their home state. Washington, DC is a federal area that is supposed to remain separate from state affairs and doesn't have the status of a state.

- Citizen 4: I'm still not sure if I think it is fair though! DC citizens pay taxes and stuff. How can Congress have complete control over the representation of DC citizens? Wait, don't they have a representative? Why can't she make decisions for them?
- Citizen 2: DC's house "delegate" can only participate in Committee voting, debates and introduces legislation, remember? But, the DC delegate doesn't get to vote on the final vote for bills so technically DC citizens don't have an elected representative that can fully vote for issues that matter to them. And at this point it probably doesn't matter since the issue has made its way into the court system.
- Citizen 1: This whole situation is tough. I think I read somewhere that over the last two hundred years people living in DC have tried different ways to have more control over their local government. After all, they have schools, hospitals, and public services like police, firefighters and teachers just like our town does.
- Citizen 3: Yeah, I think they've tried to get full self-government over their own laws and affairs and then some people tried to get DC to become a state, but Congress hasn't approve the idea.
- Citizen 4: Haven't local legislators also tried to get a law *and* an amendment passed?
- Citizen 1: Yeah - both. But neither one got enough support from Congress and the States.
- Citizen 2: That's crazy. They've tried so many different ways to have their needs represented in the federal government, because without it, things like this handgun repeal ruling happens. I mean, do you guys think the ban should have been lifted? Do you think that DC citizens should be able to have a say in Congress about decisions that have an impact on their daily lives? Do you think Congressional representatives who do not live in DC should get to decide what is best for all DC citizens?
- Citizens 1, 3, 4: We will have to think about it some more!

## **Williams Rebukes Senators Trying to Revoke Gun Ban; Bill Called Insult to Residents, Victims**

Paul Schwartzman, Washington Post Staff Writer  
May 20, 2005

A U.S. senator from Texas revived legislation yesterday to repeal the District's ban on handguns, a proposal that provoked a heated response from Mayor Anthony A. Williams, who described it as an "assault" on the District's right to govern itself.

Sen. Kay Bailey Hutchison, the Republican sponsoring the legislation, said the repeal is needed to allow District residents to protect themselves in their homes, where the law bars them from keeping guns. "It's a matter of self-defense," Hutchison said at a news conference at the U.S. Capitol, where she was joined by fellow GOP Sens. George Allen (R-VA) and John Cornyn (R-TX).

In a statement, Williams described the proposal as "a vicious attack on representative democracy for District of Columbia residents" and urged Congress to take no further action. "I am incensed by any proposal that is an insult to the memory of the people who have died in this city due to gun violence -- in particular the three children who have died from gun violence this year," he said.

Citing a 17 percent decline in homicides since last year, the mayor said: "We're on the right track toward reducing crime in the District. We're working to get guns off the street, and we're doing that successfully."

In September, the House passed a similar bill to repeal the District's ban on handguns and semiautomatic weapons, enacted in 1976. Sen. Larry E. Craig (R-Idaho) abandoned his legislation when it appeared that there was insufficient support.

A Hutchison aide said the senator's proposal is likely to fare better because it already has nearly 30 co-sponsors. "There's more of a groundswell," said Christopher J. Paulitz, Hutchison's press secretary. "Last fall, there were only 10 co-sponsors for the bill. We expect to be over 50 co-sponsors soon."

Del. Eleanor Holmes Norton (D-DC) said she is prepared to mobilize opponents to try to defeat the legislation, a quest she described as an "uphill battle." "There's no straight way to go at this," Norton said. "We need to come from all different angles. This is very serious for the District." Norton described the legislation as a "rude insult" to District residents, saying that the "senators involved will share neither the carnage or the heartbreak" that would result from a proliferation of guns in the city.

Hutchison, at the news conference, responded to a question about home rule by saying that she was fulfilling her "constitutional responsibility to oversee the District of Columbia." Hutchison said she first encountered the District's gun ban when she moved to Washington after being

elected to the Senate in 1993 and discovered that she couldn't keep her own handgun in her home. "I had to dismantle it," she said. "I had always had a handgun in the drawer next to my bed."

Allen said that the District's gun laws have helped foster crime in the city and that when people from his state visit, "I want them to be safe in the District of Columbia." "We need to restore the rights of the people to protect themselves," Allen said. "It is consistent with common sense and the deterrence of crime."

## **Court overturns D.C. handgun ban In 2-1 vote, appeals court says Second Amendment is not limited to ‘militia’**

NBC News and news services  
Updated: 7:32 p.m. ET March 9, 2007

WASHINGTON - In the most important ruling on gun control in 70 years, a federal appeals court Friday for the first time used the Second Amendment to strike down a gun law.

In a 2-1 decision, the court overturned the District of Columbia’s long-standing handgun ban, rejecting the city’s argument that the Second Amendment right to bear arms applied only to militias. The majority held that the activities protected by the Second Amendment “are not limited to militia service, nor is an individual’s enjoyment of the right contingent” on enrollment in a militia.

The ruling is a victory for Tom Palmer, a Washington resident who was once assaulted and wants a gun in the house for self-defense. "The fact is that the criminals don't obey the law and they do have guns," he said. "It's the law-abiding citizens who are disarmed by this law."

He was one of six who went to court to challenge the city's gun law, passed as an anti-crime measure 30 years ago. It outlaws handguns or rifles except for residents with permits, mainly police or security guards.

Washington Mayor Adrian Fenty said the ruling could put more guns in the hands of young people. "I am personally deeply disappointed and quite frankly outraged by today's decision," he said. "Today's decision flies in the face of laws that have helped decrease gun violence in the District of Columbia."

### **Rival judicial views**

The ruling revives a long fight over the 27 words of the Second Amendment: "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

Gun control advocates argue that the phrase "well-regulated militia" means that owning a gun is a group right, subject to restriction. But the court essentially said the right to bear arms is an individual right for private activities, including self-defense.

“The district’s definition of the militia is just too narrow,” Judge Laurence Silberman wrote for the majority. “There are too many instances of ‘bear arms’ indicating private use to conclude that the drafters intended only a military sense. That's precisely the view that the National Rifle Association has advocated for decades.

Wayne LaPierre, the NRA's executive vice president, said the decision gives the district “a crack in the door to join the rest of the country in full constitutional freedom.”

Judge Karen Henderson dissented, writing that the Second Amendment does not apply to the District of Columbia because it is not a state.

Silberman wrote that the Second Amendment is still “subject to the same sort of reasonable restrictions that have been recognized as limiting, for instance, the First Amendment.”

Such restrictions might include gun registration, firearms testing to promote public safety or restrictions on gun ownership for criminals or those deemed mentally ill.

### **Time for Supreme Court?**

The city says it will appeal, to the U.S. Supreme Court if necessary.

The Bush administration has endorsed individual gun-ownership rights, but the Supreme Court has never settled the issue.

“I think this is well positioned for review of the Supreme Court,” said Jonathan Turley, a constitutional law professor at George Washington University. He said the D.C. circuit is historically influential with the Supreme Court because it often deals with constitutional questions. “You also have a very well-reasoned opinion, both in the majority and the dissent,” Turley said.

If the dispute makes it to the high court, it would be the first case in nearly 70 years to address the Second Amendment’s scope. Legal experts say Friday's ruling launches a huge battle. "This is a monumental case that sets up the biggest fight over gun rights in the modern history of the United States," said expert Tom Goldstein.

New York and Chicago have similar strict gun laws. And a host of local and federal laws regulate ownership.

The U.S. Court of Appeals for the District of Columbia Circuit also threw out the district’s requirement that registered firearms be kept unloaded, disassembled and under trigger lock.

Gun control groups fear that if Friday's ruling stands, it could weaken gun laws nationwide.

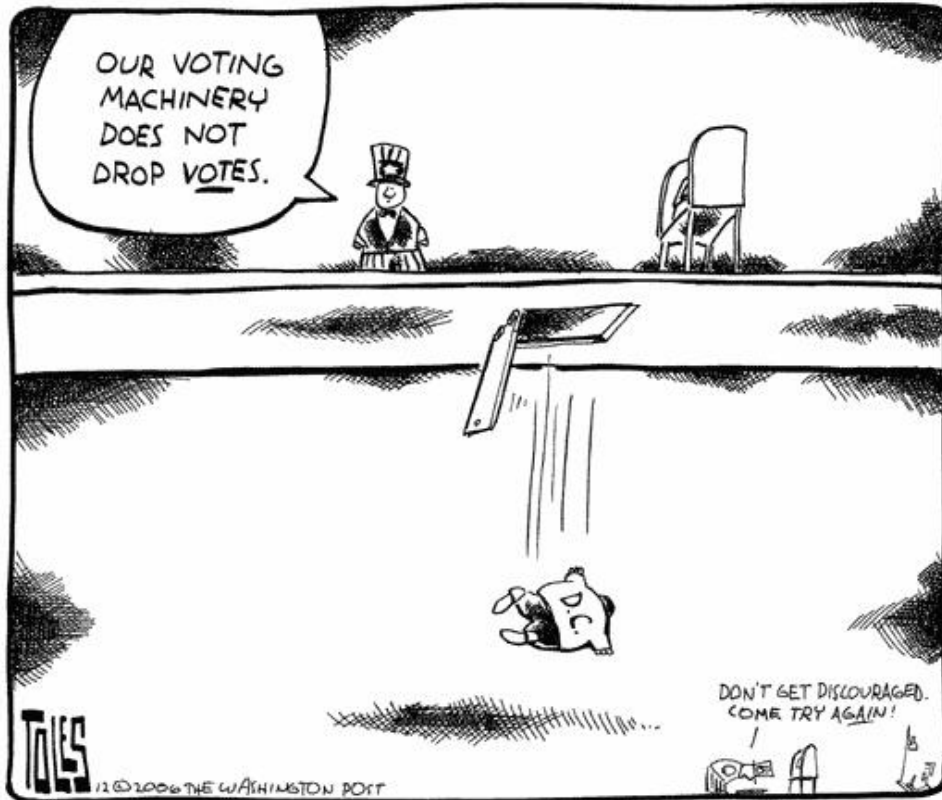
"You're allowing any sort of a gun law, whether it's a waiting period, a background check, you leave it open to challenge," said gun control advocate Paul Helmke.

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URL: <http://www.msnbc.msn.com/id/17538139/>

## You Decide: Should Congress Give Congressional Representation to Citizens of Washington, DC?

Directions: Review the cartoon below and answer the questions at the bottom of the page.



[http://www.washingtonpost.com/wp-srv/opinions/cartoonsandvideos/toles\\_main.html?name=Toles&date=12112006](http://www.washingtonpost.com/wp-srv/opinions/cartoonsandvideos/toles_main.html?name=Toles&date=12112006)

- Who is falling from the platform?
- Who is speaking on top of the platform? Who/what does his suit represent?
- What is the cartoonist trying to convey? Why is the word votes underlined? Who/what is actually being dropped?
- Notice the little drawing in the bottom right-hand corner. What does the comment tell you about the relationship between Congress and advocates who support DC voting rights?
- Do you think citizens living in the District of Columbia deserve the right to have full voting delegates represent them in the United States Congress? Why or why not?



## Exit Slip: My Decision

I believe citizens who live and work in Washington DC should be allowed to have a fully voting Congressional representative in the U.S. House of Representatives.

(circle one)

YES      NO

Because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

-----*cut here*-----

## Exit Slip: My Decision

I believe citizens who live and work in Washington DC should be allowed to have a fully voting Congressional representative in the U.S. House of Representatives.

(circle one)

YES      NO

Because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **Picking the Brains of the Founding Fathers** *Experts Clash Over Whether the District Was Meant to Get a Vote in Congress*

By Mary Beth Sheridan, Washington Post Staff Writer  
Monday, May 28, 2007; B01

The setting is Congress, the year 2007. But as lawmakers wrangle over the D.C. voting rights bill, they are turning the clock back to the 1700s, furiously debating whether the Founding Fathers intended to deprive District residents of a vote in the national legislature.

On one side: the Bush administration and other critics of the bill, who believe the framers created the current situation intentionally. On the other: supporters of the bill, including Eleanor Holmes Norton (D), the District's nonvoting congressional delegate.

It is "slander," she declared heatedly last week, to suggest that the founders would fight a war over voting rights "and then would turn around and deny representation to the residents of their own capital."

Who's right?

Leading historians say the record on the founders' intentions for the future capital is unclear in some respects. But there is little evidence they sought to deny the vote to what would eventually become hundreds of thousands of D.C. residents, the historians say. Does it matter what a bunch of bewigged 18th-century revolutionaries thought about the District? It actually matters a lot: Their 200-year-old opinions could affect whether the current voting rights bill is deemed legal. The legislation, which seeks to give the District its first full seat in the House of Representatives, has passed the House and is now before the Senate.

The main argument advanced by the bill's opponents is that the Constitution reserves House membership for representatives from states. And the District is not a state, they note. Supporters and opponents of the bill are delving into history to try to clarify what the framers intended in 1787, when they inserted 38 words into the Constitution allowing for the creation of a federal government district. The brief clause gives Congress the power "to exercise exclusive legislation" over a future seat of government.

Did the framers mean its residents couldn't vote in Congress?

Absolutely, said John P. Elwood, a Justice Department official who testified at a hearing before the Senate Judiciary Committee last week. "The framers and their contemporaries clearly understood that the Constitution barred congressional representation for District residents," he said. Nonsense, retorted Richard P. Bress, a former assistant to the U.S. solicitor general. "I can't agree the evidence shows the Founding Fathers intentionally and permanently disenfranchised the people of the District of Columbia," he told the Senate panel.

Historians say early politicians disagreed about the nature of the future federal seat of government, with some wanting a strong, independent enclave and others fearing it would turn into a new imperial Rome. Political maneuvering colored the discussion. "There is no one Founding Father position,"

said John Kaminski, a historian at the University of Wisconsin and editor of a 28-volume collection of documents on the ratification of the Constitution. But several prominent scholars who have studied the period say there appeared to be little debate on whether residents of the new federal enclave would have the vote.

"The Constitutional Convention overlooked it," said Kenneth Bowling, a George Washington University historian and author of "The Creation of Washington, D.C." "The issue was not on their radar screen." Historians traditionally have traced the District's status to a raucous demonstration in 1783 by unpaid Revolutionary War veterans outside what's now known as Independence Hall in Philadelphia. The federal Congress, which used the building, was not in session at the time; the rioters were aiming their wrath at a meeting of the Pennsylvania state executive council.

But some congressmen who were proponents of a strong central government seized on the incident, saying it underscored the need for a federal enclave under Congress's control, historians say. They got their way when the Constitution was drawn up. Soon afterward, Alexander Hamilton and a few other politicians realized the Constitution did not provide specifically for congressional representation for residents of the new capital. Hamilton suggested that the first Congress fix the problem, but his amendment went nowhere.

Opponents of the current bill view the Hamilton amendment as a sign that the issue was debated at the time -- and that Hamilton lost. "It was as controversial then as it is now," Jonathan Turley, a legal scholar from George Washington University, said at last week's Senate hearing. But Bowling and other historians disagree, saying the young states and the first U.S. Congress were preoccupied with weightier issues -- such as the amendments that became known as the Bill of Rights.

"They had to organize the entire government!" declared Bowling, co-editor of a 22-volume edition of records and letters from the first federal Congress, which met in 1789-91. "They certainly weren't going to pay a lot of attention to the federal district when it didn't even exist yet." In fact, it was 1790 before the U.S. government decided where to locate the capital -- on land ceded by Maryland and Virginia. Residents of the new district continued to vote in those states until 1801.

But in that year, Congress passed the Organic Act, assuming control of the District of Columbia and providing no provision for its residents to vote for members of Congress or a president. That would seem a clear enough sign of Congress's intent. But historians caution that that act, too, should be seen in the context of the politics of the time. It was passed by a lame-duck Congress fearful that the incoming president, Thomas Jefferson, an anti-federalist, would junk their vision of a strong capital, said William diGiacomantonio, a historian who has studied the period.

The outgoing Congress "really did want to preserve the independence of the District. And so they passed this really haphazard thing," he said, referring to the act. "It's politics," the historian added. "It doesn't have anything to do with principle."