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Statement

by

ATTORNEY GENERAL RAMSEY CLARK

before

The House Judiciary Committee

on

H.J. RES. 396, to amend the Constitution  
to provide for representation of the  
District of Columbia in Congress

JUL 26 1967

What perfect irony that our great democracy denies representation in the Congress to citizens resident in its capital city. This right to vote, to be represented, is the last we should ever refuse, because it can protect all of the others.

Washington, D.C., with 800,000 people, more populous than any state when the republic was founded and larger than eleven today is governed without a voice in its government and taxed without representation.

H.J. Res. 396 would rectify this ancient wrong.

The District is a vital city with major commerce and industry. Most of its citizens live as do people in any other city without any closer proximity to government than geography. The 1960 census showed that 63 per cent of the working D.C. residents were in non-government jobs.

District residents carry all the burdens of citizenship. They should share its rights. Figures for fiscal 1965 show that only 12 states exceeded the District in per capita tax revenue. The number of civilian residents who have served their country in the military is greater than the veteran population of 11 states. District residents have all the needs and interests and problems of their fellow citizens in the states.

There can be no justification for relegating their interests in Congress to the care of those, from states near and far, who may be willing to plead their cause. Even if their needs are generously met, this is not the proper estate for citizens of a democracy.

A national consensus that the District is entitled to full partnership in our government was reflected by rapid

adoption of the 23rd Amendment in 1961. H.J. Res. 396 would complete the course then initiated.

H.J. Res. 396 would assure the people of the District one voting member of the House of Representatives. Congress would have authority to extend that representation in either or both Houses of the Congress, up to the representation to which the District would be entitled if it were a State.

The resolution would confer on the Congress the power to enforce the Article by appropriate legislation. Such legislation would cover the qualification of voters and of Representatives and Senators to be elected from the District, the time, manner, and place of holding elections, the manner in which vacancies are to be filled, and the rights, privileges, and immunities of the Representatives and Senators elected from the District.

On adoption, Congress would make appropriate adjustments in related laws. For example, it would determine whether the membership of the House should be

increased permanently by the number of Representatives to be elected from the District of Columbia. It might decide, as was done on the occasion of the admissions of Alaska and Hawaii, that such increase would be temporary and the membership of Congress restored to the statutory figure of 435 after the next decennial census.

The Article would have no effect on the provision in the Twenty-third Amendment for determining the number of electors for President and Vice President to be appointed for the District.

Other resolutions before the committee also recognize the District's need for Congressional representation. The proposals include giving the District as much representation as it would have as a state. This is the theoretical ideal, but its prospect for adoption is less than that of H.J. Res. 396. Limiting the District to one representative would be an unnecessarily rigid and small step forward. To merely grant Congressional authority to provide representation would create a solemn

amendment to the Constitution having absolutely no effect. The Administration supports the minimum representation and subsequent flexibility offered by H.J. Res. 396.

In proposing this resolution, the Administration continues to support pending proposals to provide the District with a non-voting delegate in the House. A delegate now, as an interim measure, would provide the District an opportunity to be heard in the Congress pending ratification of the constitutional amendment. The legislation is no substitute for H.J. Res. 396, for true democratic representation pre-supposes the power to participate in decisions, not mere deliberations.

Only a constitutional amendment can eliminate the anomaly of denying citizens residing in the national capital representation in their own legislature. By this means, we must act now to eliminate this major flaw in our democratic form of government.