# The District of Columbia: From the Oldest Colony to the 51st State?

written by William Mosley | February 15, 2012

ON A WARM EVENING in early April, a rally on Washington, DC's Capitol Hill took a turn for the dramatic when protestors surged into Constitution Avenue, blocking rush-hour traffic. U.S. Capitol police arrested 41 of the demonstrators, among them District of Columbia Mayor Vince Gray and six members of the DC Council.

Protests in Washington are a common sight, but one featuring the arrest of much of the city's elected leadership is not. Their grievance: As part of the deal to prevent a shutdown of the federal government, Congress — with the acquiescence of President Obama — had just banned the District from using its own money to pay for abortions for low-income women, and had revived a private-school voucher program that many local officials and residents opposed. "John, I will give you DC abortion," Obama was quoted by the *Washington Post* as telling House Speaker John Boehner,[1] words that outraged DC residents, most of whom were — or had been until that moment — strong supporters of the President. Once again, DC residents were reminded of the extent to which they lack the rights of other U.S. citizens.

It's a sad fact, but too few Americans are aware that their nation's capital is a colony within the mainland of our country — "the Canal Zone in the United States," in the words of the late Congressman Adam Clayton Powell.[2] Since the District of Columbia's founding more than two centuries ago, the city's residents have been denied the democratic rights that Americans living in the 50 states take for granted, including voting representation in Congress and control over their own legislation, budgets, courts, and prison system. Among all countries with elected national legislatures, only the United States denies voting representation to the citizens of its nation's capital.[3] District residents could not even vote for President until 1964, after the ratification of the 23rd Amendment to the Constitution. However, DC residents — unlike those of Puerto Rico, Guam, and the other overseas U.S. colonies — pay their full share of federal income taxes, among the highest per-capita in the country.

While the budget deal was the trigger for the April demonstrations, two centuries of disenfranchisement were the fuel. And for Mayor Gray and many of the other protestors, the demonstration was not only to register outrage but also to promote a solution: making DC the 51st state.

### Origins of DC's Disenfranchisement

THE STORY OF THE DISTRICT OF COLUMBIA'S struggle against disenfranchisement goes back nearly to the founding of the republic. Just after the end of the American Revolution, as Congress was gathered in Philadelphia debating, among other issues, where to locate the permanent seat of government, an incident occurred that influenced the future course of relations between the national government and the not-yet-embryonic capital city. In June 1783 a group of armed Continental Army soldiers marched on the State House, seat of both Congress and the Pennsylvania Executive Council, demanding back pay for their service in the Revolution. Congress, which had no armed force under its control, demanded that the Executive Council call out the state militia to confront the soldiers, but the Council refused, instead meeting with a delegation of the soldiers and defusing the tension.

A number of members of Congress, notably Alexander Hamilton, cited the incident as evidence that the capital needed to be under the firm control of Congress, and this notion was soon the consensus among the early nation's leadership. But was it justified? A number of historians have concluded that Hamilton and his allies had always wanted Congress to control the capital city, and manipulated the Philadelphia incident to build their case. By some accounts, Congress was under no real threat of harm, but Hamilton exaggerated the danger in order to gain control of the future capital for Congress.[4]

As a result, at the Constitutional Convention of 1787 — at which Hamilton played a leading role — the delegates adopted the following clause, which became part of the U.S. Constitution when it was ratified the following year: "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 the government of the United States. . ." The spot chosen was a 10-mile-square diamond of land on the Potomac River, just north of George Washington's estate, with land ceded by Maryland and Virginia.

This paragraph had the effect of consigning the residents of the future District of Columbia — only about 11,000 at its founding (including the existing cities of Alexandria on the Virginia side of the river and Georgetown, formerly part of Maryland)[5] but numbering more than 600,000 today — to more than two centuries of barely second-class citizenship. Yet while certain members of the Constitutional Convention were determined that the federal government have firm control over the capital, a number of founding fathers made clear that they did not envision the complete disenfranchisement of the capital's residents. "The inhabitants [of the capital] will have 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," wrote James Madison in Federalist Paper No. 43. In Federalist Paper No. 85, Hamilton added that "[p]rovision shall be made by Congress for having District representation in that Body" when the population reached some unspecified number.[6]

**Early History under Congressional Rule**

OVER THE ENSUING TWO CENTURIES, the issue of DC's disenfranchisement was periodically addressed by DC residents and federal officials alike. With the Revolutionary War slogan "No Taxation Without Representation" still a fresh memory, DC residents issued the same complaint immediately after their congressional voting rights in Maryland or Virginia were revoked in 1801.[7] These complaints resulted in no representation, but Congress did grant Washington an elected council in 1802 and an elected mayor in 1820, albeit with Congress still ultimately exercising legislative control. The Virginia side of DC was eager to become part of a state again, as much to prevent abolitionists in Congress from freeing their slaves as to regain full citizenship, and Congress granted its wish in 1846, returning the territory to slaveholding Virginia.

Nevertheless, there were reasons why demands for expanded local autonomy were fairly muted in those days. In the city's early days, many of the residents were new arrivals (an even larger proportion than today), drawn by the opportunities opened by the presence of the government; these people had little interest in local issues. And then there was the matter of race.

Race has been a major factor in the District's quest for equality, as it has in so many facets of American life. As early as 1800, the District had a substantial African-American population, both free and enslaved. After the Civil War, Congress granted local voting rights to African-Americans in the District. This provoked resistance among whites in DC, many of whom preferred disenfranchisement to being governed by blacks (and Radical Republicans, elected with substantial black support, controlled the local government from 1868 to 1870).[8] As a result, there was little objection from

whites when Congress established a territorial government in 1871, with a federally appointed governor and upper house of the legislature, nor in 1874 when Congress ended all vestiges of local democracy and established a three-member, federally appointed commission to oversee the District. This was the way DC would be governed for the next century.

Even so, during these years there were numerous pleas from DC residents for home rule and congressional representation. But these requests largely fell on deaf ears in Congress. And as the African-American population swelled after World War II, Congress — with DC affairs overseen by largely Southern legislators such as John McMillan, a Jim Crow Democrat from South Carolina — had even less interest in helping the District. The late Sen. Edward M. Kennedy, a longtime friend of expanded political rights for the District, cited the "four 'toos'" as a reason that certain members of Congress opposed greater democratic rights, especially voting representation: they feared that members of Congress elected from DC "would be too liberal, too urban, too black, and too Democratic."[9]

The owners of large businesses in the District, represented by the Greater Washington Board of Trade, also stood in the way of home rule. They were comfortable with congressional oversight and fought any proposal to create a local government that might have the power to interfere with their ability to do as they pleased. "The white business community . . . held more political power than the three commissioners," wrote journalists Harry S. Jaffe and Tom Sherwood, longtime observers of DC politics. "The businessmen simply leapfrogged the commissioners and went straight to McMillan's committee."[10]

### Civil Rights Movement Comes to DC

DURING THE 1950S AND 1960S, many African-American civil-rights activists moved to DC to work with the Student Non-Violent Coordinating Committee (SNCC), the NAACP, the Southern Christian Leadership Conference, and other organizations. Once they arrived and experienced the disenfranchisement that came with living in the District, many became involved in the campaign for local democracy. The experience and energy these activists brought with them infused new life into an old struggle.

One of the new arrivals was Marion Barry, an activist from Tennessee who moved to DC in 1965 to open a branch office of SNCC. Barry quickly became involved in local issues, organizing a one-day boycott against the local bus operator over a fare hike in 1966. Shortly afterward he dove into the struggle for self-government for the District, launching the "Free DC" movement. Because the Board of Trade opposed home rule, Barry demanded that local businesses (which were mostly white-owned) display stickers in support of a local elected government, or face a customer boycott if they did not. This in-your-face activism and the wide publicity it generated established Barry as a political force in the District.

By the late 1960s, a number of developments had turned in the District's favor, most significantly the home-rule movement's becoming linked to the nationwide civil rights movement, and a national government — with Lyndon Johnson in the White House and strong Democratic majorities in both houses of Congress — more supportive than ever before of the aspirations of African-Americans and, by extension, those of the District, with a population at the time that was more than 70 percent black.

Then, on April 4, 1968, came the assassination of Dr. Martin Luther King Jr. and the ensuing riots. Washington was not the only city to experience rioting after the assassination, but the violence was especially severe in the nation's capital, with 12 deaths and millions of dollars in property damage, most of it in predominantly African-American neighborhoods.[11]

Was it only coincidental that Congress, in the several years following the riots, approved more legislation to advance DC political rights than ever before or since? While the riots were not triggered by the lack of home rule, clearly there had been a simmering frustration in the majority African-American city with Congress' heavy-handed control that contributed to the anger and intensity of the riots. The uprising served as a wake-up call to members of Congress, who realized that their own safety depended on calm and order in the city where they conducted their business and many of them lived — and that law enforcement alone might not be sufficient to keep the peace. "For once, someone in power was actually afraid of this city," journalist Sam Smith commented.[12]

BETWEEN 1968 AND 1974, Congress approved legislation giving DC an elected school board, a delegate to the House of Representatives (who could serve on and vote in committees, but not on the House floor), and finally, with the Home Rule Act, a mayor and 13-member council to be elected by District voters. The first election for the new local government took place in 1974. Marion Barry, who had been one of the first elected school board members, was elected to the DC Council, while Walter Washington was elected mayor.

**Beyond Home Rule**

MOST DISTRICT RESIDENTS welcomed these new avenues of civic participation, but many realized that the new rights still left them short of full citizenship. Instead of home rule, District residents had been handed "home fool," in the derisive words of Councilmember Julius Hobson.[13] DC's representative to the House had no floor vote (the same arrangement made for the U.S. overseas colonies) and the District had no voice in the Senate at all. In addition, Congress still retained its constitutional "exclusive legislation" authority over the District; legislation and budgets adopted by the local Council were still subject to congressional review, and Congress, if it wished, could simply enact legislation and impose it on the District, whether local residents wanted it or not.

And Congress made extensive use of its legislative control, often the work of Republicans eager to win points with their constituencies by imposing conservative social policies on the mostly liberal, Democratic District. Over the subsequent years it blocked numerous initiatives of the DC government, mostly through riders on the local DC appropriations bill (even though only a small percentage of the DC budget consists of federal funding, Congress must approve the entire budget — including funds raised through local taxes — through an annual appropriations bill). Many of these budget riders targeted policies adopted by the liberal-to-progressive District government that Congress, usually during periods of Republican control, found distasteful. These riders blocked such local initiatives as a medical marijuana program, city benefits for the unmarried domestic partners of DC employees, and needle exchange programs for intravenous drug users to prevent the spread of HIV and AIDS. The latter prohibition, while satisfying the need of some members of Congress to pander to conservative constituencies in their home districts, has had especially deadly consequences for DC residents: 3 percent of District residents are infected with HIV or AIDS, the highest rate of any city in the nation.[14]

Yet even before the first Home Rule government had settled into its offices, a number of local leaders and activists had begun discussing how the District might advance beyond the unsatisfactory limitations of "home fool." By the early 1970s, three competing ideas each had gained a substantial number of adherents: (1) returning, or "retroceding," most of the District to Maryland; (2) a constitutional amendment for full voting representation in both the House and Senate; and (3) making the District the 51st U.S. state.

There was a precedent for retrocession: the return of Virginia's portion of the District in 1846. Return of the remainder to Maryland, with the carve-out of federal lands and properties to satisfy the constitutional requirement for a federal district, would provide voting representation in

Congress through Maryland's delegation. It also would end the federal government's legislative control of the retroceded territory, although in its place the city would inherit the Maryland state government's oversight. However, polls consistently have shown that the majority of District residents don't want to be part of Maryland, and most Marylanders don't want the District.[15] Given these feelings, somehow forcing a shotgun marriage between the two jurisdictions would be the most blatant offense against self-determination.

The idea of the constitutional amendment for voting representation had greater support, and advocates of DC voting representation — spearheaded by then-DC Delegate Walter Fauntroy — succeeded in lobbying Congress to approve a constitutional amendment in 1978 that would give the District two voting senators and one voting member of the House. However, the amendment was ratified by only 16 states, well short of the required 38, and died when the seven-year ratification window closed in 1985.

Yet even before the constitutional amendment was taken up by Congress, a number of DC citizens were hatching a different solution for their disenfranchisement: statehood.

## Growth of DC Statehood Movement

WHY APPARENTLY NO ONE PROPOSED DC statehood prior to the 1970s could be laid to a variety of factors: the District's small size and population, and its economic dependence on the federal government, were certainly major considerations. But by the 1970s the District was a much different place than it had been during the Reconstruction era, or even prior to World War II. It had a population of over 700,000, larger than that of 10 states, with tax revenues sufficient to support a variety of local programs without depending on federal support.

THE IDEA OF SEEKING STATEHOOD for the District first appeared in print in 1970, advocated by Sam Smith in his newsletter *DC Gazette*.[16] But would it be legal or constitutional for the District of Columbia to become a state? Statehood supporters, as well as a number of constitutional lawyers, argued that it would be.[17] The Constitution sets a maximum limit on the size of the federal district (10 miles square, or 100 square miles) but no minimum size. The original 100-square-mile District already had been sliced to 68 square miles following the return of Virginia's portion. Therefore, it should be possible to further reduce the constitutionally mandated "district" to the uninhabited areas of central Washington where federal buildings, museums and monuments were located (the same argument made by the retrocessionists) and to allow the populated portions of the District to become a separate state.

THE STATEHOOD MOVEMENT gained momentum through the 1970s — there was even a local political party, the Statehood Party, launched with the achievement of statehood as a principal goal. Julius Hobson, running as a Statehood Party candidate, was elected in 1974 as a member of the first DC Council under home rule; after his death in 1977, Statehood Party member Hilda H.M. Mason succeeded him and served another two decades. The election of Marion Barry, a Democrat, as mayor in 1978 was cause for further optimism among statehood supporters: the founder of the Free DC movement, a charismatic politician with deep support in the African-American community as well as substantial backing from the white establishment, was now the public face of the District.

The next step was to petition Congress for statehood. In 1980 statehood backers placed a referendum on the ballot to determine if voters supported statehood; 60 percent voted yes.[18] Two years later a convention of elected citizens drew up a constitution for the new state-in-the-making — to be called New Columbia.

Getting citizen approval for statehood was one thing; actually achieving statehood was another.

Many District elected officials, still wedded to pursuing only voting representation in Congress, did not regard statehood as a priority (although there were exceptions, notably Mason). Also, the 1980s were a time of Republican control of the White House — first Ronald Reagan, then George H.W. Bush — making it likely that any statehood bill that survived Congress would die by veto.

By 1993, however, the political balance in Washington had shifted. Bill Clinton, a Democrat who professed support for DC statehood, was in the White House, and both houses of Congress had strong Democratic majorities. Many DC statehood advocates saw this as a propitious time to move forward — Democrats in Congress should be eager to allow the heavily Democratic District to add members to their caucuses in the House and Senate.

But, justified or not, many members of Congress, including some Democrats, concluded that the District was not ready for statehood. A fiscal crisis was unfolding in the District, one exacerbated by the inherent limitations of an enclave under control of the federal government. The District was prohibited by Congress from assessing a tax on the income of suburban commuters, costing the city more than $2 billion annually in potential revenue. A high proportion of the District's land was occupied by entities that paid no property tax — principally the federal government, but also embassies, international institutions, and non-profit organizations. Moreover, as part of the 1974 home rule bill, the federal government had saddled the local government with unfunded liability for the pensions of DC government employees, a mounting bill that had grown to $4.8 billion by 1997.[19] These handicaps, along with the continued flight of the District's tax base to the suburbs, had by the mid-1990s led to steep and growing budget deficits.[20]

In addition, crime was rising steeply in the District — as it was across most of urban America — fueled by the rise of crack cocaine. The crack epidemic, which was sweeping cities across the United States, hit DC especially hard, bringing with a wave of violent crime that gave the District the unwanted nickname of the "Murder Capital" of America. And then, in 1990, Mayor Barry was arrested in an FBI sting for possession of crack. It was a dark moment for the District and its hopes of expanded self-rule.

Nevertheless, after several years of effort by Delegate Eleanor Holmes Norton, the statehood bill reached the floor of the House of Representatives in 1993. But with the reputation of the nation's capital at an all-time low, many congressional Democrats felt the time was not ripe for DC statehood. The bill failed, 153 to 277, with 40 percent of House Democrats, along with nearly every Republican, voting no.[21]

## DC Democracy Moves Backward

OVER THE NEXT SEVERAL YEARS, the District's reputation on Capitol Hill only grew worse. Barry had left office in 1991 — en route to trial for drug possession and six months in prison — but under new mayor Sharon Pratt Kelly crime continued to rise and the fiscal crisis snowballed. Public dissatisfaction with Kelly's administration led to her defeat for re-election in 1994, to be replaced by — Marion Barry.

Barry's comeback from his drug conviction to reclaim the mayor's office is one of the remarkable political stories of recent decades. Clearly, many African-American voters saw their own experiences reflected in the FBI sting against Barry. They felt themselves frequently targeted for harassment by the police, and resented the harsh penalties and aggressive enforcement against crack possession — while users of cocaine powder, who were much more likely to be white and affluent, faced much more lenient potential penalties and relatively lax enforcement. While members of Congress and many white Washingtonians were appalled by Barry's return to power, many African-Americans saw Barry's rehabilitation as a story of justice and redemption.

The redemption narrative, however, found few sympathizers on Capitol Hill. And Congress retaliated against the District for making what it considered the "wrong" choice in the election. In 1995 it created a Control Board and endowed it with complete authority over the District's finances — DC would need the board's approval before spending any of its own money. In 1996 Congress transferred control over DC schools from the elected school board to a Board of Trustees, answerable not to voters but to the Control Board. And in 1997 Congress went further by effectively stripping the local government of nearly all its powers, making the Control Board not only the financial authority of the District but the legislative and executive arms as well. The mayor and council continued to show up for work, but they had virtually no power.

### Assaults on DC Revive the Democracy Struggle

THE DC GOVERNMENT may have lost its powers, but the movement for greater local autonomy — which had gone into eclipse after the failed statehood vote — was energized by the congressional power grab. Immediately after the news broke, citizens began meeting to organize demonstrations and discuss strategy. The most visible and enduring organization to arise out of the 1997 activities was the Stand Up! for Democracy in DC Coalition, which was led initially by a number of prominent figures from the civil rights movement (including Jesse Jackson Sr., Walter Fauntroy, and National Council of Negro Women President Dorothy Height) and which borrowed its slogan — "Free DC!" — from Barry's former organization. Indeed, many of Stand Up!s early members were Barry supporters angry at the federal government's stripping away of his powers. Yet Stand Up! also attracted many longtime statehood and democracy activists who remained active in the movement longer after Barry, and many Barry supporters, had moved on.

In August 1997, Stand Up! helped to organize a bus caravan to North Carolina. Their target: Republican Senator Lauch Faircloth, the architect of the bill that stripped the District government of its local powers. Some 600 DC activists brought the District's concerns directly to Faircloth's constituents, registering them to vote and educating them about how much of their Senator's schedule was occupied by the affairs of a jurisdiction 300 hundred miles distant from those he was allegedly representing. (The trip no doubt played at least a small part in Faircloth's defeat by John Edwards for re-election the following year). For much of the rest of that year, Stand Up! and its allies held almost-weekly demonstrations against Congress, many of them resulting in participants being arrested.[22]

With the end of the 1990s came three developments that, along with the more vigorous pro-democracy activism, offered greater hope for expansion of DC's right to govern itself: (1) improvements in the national economy that erased the red ink of past decades and yielded local budget surpluses, (2) a sharp drop in the crime rate; and (3) Marion Barry's departure as mayor. Barry was replaced as mayor by Tony Williams, who rose to prominence as the Control Board-appointed chief financial officer and the reputed financial wizard who put the District's tattered finances back in order. Congress approved of DC's selection and restored the governing powers of the mayor, council, and school board — that is, to their pre-1997 state, still subject to intervention by Congress and the still-operating Control Board, but with much more room to maneuver than during Barry's final term. Then in 2001, after several years of prosperity and four consecutive balanced DC budgets, the Control Board closed its doors.

### Statehood vs. Congressional Representation

YET FOR MUCH OF THE FOLLOWING DECADE, the focus drifted away from full statehood and toward a plan to achieve only voting representation in Congress. The shift became apparent after 20 DC residents filed a federal lawsuit in 1998 asking for the courts to make it possible for DC residents to

either choose statehood or to unite with another state. Hard on its heels came a competing lawsuit, filed by a different group of residents, asking only for congressional representation. The federal courts combined the two suits, where they were eventually rejected by the Supreme Court.[23]

The prospects of congressional representation received a boost when Rep. Tom Davis, a Virginia Republican and chairman of one of the House committees overseeing DC affairs, took up the cause. Davis was not a supporter of statehood, in part because his constituents would be subject to the commuter tax that the new state would be likely to adopt. But he was more sympathetic to the District's plight than most Republicans, and he saw an opportunity to make voting representation for the District palatable to members of his party. Following the 2000 census, Utah fell just short of being able to add another congressional district. Creating an additional congressional district in predominantly Republican Utah while at the same time giving overwhelmingly Democratic DC a voting seat would, David hoped, allow for bipartisan support for DC voting representation.

And so in 2005, Davis introduced a bill to expand the House from 435 to 437 members, with the added seats going to Utah and the District. The bill would provide no representation in the Senate and would not address other aspects of the District's disenfranchisement, such as congressional control of the District's legislation and budgets.

Many of DC's statehood advocates were, at best, lukewarm about the Davis bill; many complained that it would leave them far short of — and divert attention from the struggle for — full citizenship. But the bill gained support from most DC elected officials, including the mayor and Delegate Norton, for whom a deal on the table was preferable to chasing a distant dream. But there was another factor, largely tied up in the politics of race and class. Affluent, well-connected Washingtonians — mostly white — had long resented their lack of a vote for Congress, but many were less than enthusiastic about the idea of giving the local government more authority. Just as whites in the post-Civil War District were opposed to opening the door even a crack to African-American political empowerment, so were many whites a century later mistrustful of African-American leadership. Many white DC residents who worked on Capitol Hill, in federal agencies or for the various lobbying firms and pressure groups had connections to members of Congress or their senior staffers — often they were neighbors. These Washingtonians who had connections and knowledge of how to work the system appreciated their ability to go over the heads of the local government if its actions displeased them. "One of the city's deepest secrets is how many of its elites — both white and black — have never really liked the idea of self-government. They would rather use their Rolodexes than the ballot box," wrote Sam Smith in 1998.[24]

In addition, Washington — more so than most large cities — features a large elite class of newly arrived political appointees, Congressional staffers, public-interest workers and others with a strong desire to have a voice on Capitol Hill but little interest in local government. "The city's mandarin class is mainly interested in national politics. It is perfectly happy to have city services provided under a dictatorship but is frustrated by its lack of leverage in Congress," Smith wrote.[25] Among these elites were the large, Board-of-Trade connected corporations doing business in DC (many of them headquartered elsewhere) who, like in the days of Barry's Free DC movement, opposed an empowered local government that could challenge their prerogatives. Mere voting representation posed no similar threat to their interests.

Also, Barry's return to the mayor's office after his drug conviction — in which he received heavy support from blacks but very little from whites — led many whites to believe (whether justified or not) that they would achieve better results being ruled from Congress than by their own locally elected government.

Despite elite support for the voting-rights bill, a number of constitutional scholars and other

critics of the bill— many of whom were sympathetic to the District's effort to end its disenfranchisement — pointed to its dubious constitutionality.[26] The language of the Constitution clearly referred to the right to vote for members of Congress as deriving from statehood (Article 1, Section 1 reads: "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States"). If simple legislation was sufficient, why had the District previously taken the much harder (and ultimately unsuccessful) route of a constitutional amendment?

Nevertheless, District leaders and a newly formed advocacy group, DC Vote (which was heavily funded by DC government grants), lobbied Congress for passage of the Davis bill. They argued that pairing a vote for DC with an additional House seat for Utah gave the bill a good chance to be enacted, a much better chance than a bill for full statehood — which, they argued, could be pursued at some unidentified time in the future. They also produced their own legal experts who vouched for the bill's constitutionality. Delegate Norton argued that the District would not be ready for statehood until it regained control of state-type functions such as prisons and courts, which the federal government had taken over in 1997 as a measure to help balance the local budget. Statehood advocates countered by pointing out that statehood would open new streams of revenue to the District, especially a commuter tax, enabling the new state to re-assume and pay for these functions.

Voting-rights advocates were still trying to push the Davis bill through Congress when Barack Obama was elected president in 2008. The accession of a Democratic, African-American, reputedly liberal president to the White House energized activists in the capital city whose residents shared so many of his characteristics. The District had favored Obama with 93 percent of its vote in the election, and had reason to expect Obama would reciprocate by making expanded rights for DC a priority. Indeed, on a number of occasions Obama stated his support for statehood, including in a brief exchange with Stand Up! President Anise Jenkins. But it was never more than passive support; the economic recession, the wars in Iraq and Afghanistan, and the new health-care initiative dominated the White House agenda during the early Obama years.

However, the Davis voting-rights bill gained adherents, and in 2009 the Senate approved the legislation — with a catch. Members of Congress allied to the gun lobby had long attempted to repeal the District's restrictions on ownership of handguns, among the strongest in the nation. Gun laws are the province of state governments, but given the District's colonial status, Congress can impose measures on the District that they cannot in their own districts, or anywhere else in the country. A 2008 Supreme Court decision had struck down some of the more stringent provisions, but the District still required guns to be registered and kept in the home. So the pro-gun Senators, led by Republican John Ensign of Nevada (who later resigned after it was discovered that he had paid hush money to a former staffer to keep quiet about an affair the senator was having with his wife), tied an amendment to the voting rights bill, which would effectively eliminate all restrictions on guns in the District. If passed, all manner of unregistered guns, including assault weapons, could be concealed or carried in the open practically everywhere in the District, including into schools, playgrounds and DC government buildings (but not the U.S. Capitol; the members' appreciation for the proliferation of guns didn't extend that far).

This was too much for the District leadership to swallow, even in exchange for voting rights. Delegate Norton, after failing to strip the gun provision from the House version of the bill, in 2010 asked the House leadership to drop the legislation. Five years of lobbying, compromises and deal cutting to win voting representation in the House had come to naught. The death of the voting-rights bill was an illustration of its own limitations: while it would have given the District one vote out of 437 in the House, it still would have left DC subject to the legislative whims of Congress.

Hard on the heels of the defeat of the voting rights bill came the 2010 congressional elections, in

which Republicans took control of the House — with many of the new members coming out of, or lending an ear to, the hard-right Tea Party movement. Any prospects for expanded DC rights through congressional legislation had evaporated — indeed; the District now would have to defend itself against a new round of onslaughts against its limited home rule.

### 2011 and Beyond — Statehood Takes Center Stage

YET THESE SETBACKS may have pointed the way forward for the DC democracy movement. With the backroom dealing on Capitol Hill over the voting rights bill having come to naught, there is a growing realization that the District cannot rely on "friends" in Congress or the White House, and that more of the impetus for change will have to come from local residents themselves. A stronger, more assertive movement is needed, the kind that was displayed in the April arrests. Ultimately, the disenfranchised District of Columbia must make its voice heard throughout the country and the world, striking the consciences of all people who cherish democracy and human rights. If Americans could subject themselves to arrest for democracy in South Africa, or be willing to fight to remove a dictator in Iraq, surely they could join the movement for equal rights for 600,000 U.S. citizens in the nation's capital.

ANOTHER LESSON of the voting rights debacle is that settling for half-measures is a fool's errand (perhaps a "home fool's" errand, to paraphrase Julius Hobson). Under the Constitution, only statehood confers full citizenship in the United States. That is the path chosen by District citizens, and more residents and elected officials are coming to the realization that statehood, and nothing less, should be the goal.

AFTER THE DEFEAT OF THE ONE-VOTE BILL, Delegate Norton reintroduced legislation for voting representation — but along with it, a bill for DC statehood. "We accept no imposed limits on our equal rights as American citizens, and we will pursue them all until the day when there is no difference in citizenship between the residents of the District of Columbia and other American citizens," Norton said in introducing the legislation.[27] Although there was little immediate prospect of any of the bills passing, or even getting a hearing, her decision to revive the statehood effort in Congress was evidence of the growing voice of the local statehood movement.

In his inaugural address last January, Mayor Gray signaled the DC leadership's new outlook when he said, "Washington is the greatest symbol of our nation's democracy. Yet, we as Washingtonians continue to be the only people in our nation that remain shut out of that democracy. . . That is why we cannot rest until we achieve true self-determination and become our nation's 51st state."[28]

Now that there is no near-term prospect of favorable action by Congress, DC activists and officials should turn their attention to organizing the citizens of DC, and reaching out to supporters of human rights everywhere, in order to build a powerful movement to achieve what the District wants and needs — statehood. The day will come when the makeup of Congress will lead it to be more sympathetic to the District's appeal for statehood. But DC will win the day only if the local statehood movement is strong enough to force Congress to do the right thing.

## Footnotes

1. Kane, Paul; Perry Bacon Jr. and David A. Fahrenthold, "Deal done — now on to the next fight," *Washington Post*, April 10, 2011.

2. Jaffe, Harry S. and Tom Sherwood, *Dream City: Race, Power, and the Decline of Washington DC,* Simon & Schuster, 1994, p. 30.

3. Fauntroy, Michael K. *Home Rule or House Rule? Congress and the Erosion of Local Governance in the District of Columbia.* University Press of America, 2003, p. 13.

4. Richards, Mark David. *Hope and Delusion: Struggle for Democracy in the District of Columbia*. Doctoral Dissertation, 2001, p. 50.

5. Melder, Keith, *City of Magnificent Intentions: A History of Washington, District of Columbia*. 2nd Ed. Intac, Inc., 1997, p. 42.

6. Richards, op. cit., pp. 72-73.

7. *Ibid,* pp. 85-86.

8. Gillette, Howard. *Between Justice and Beauty: Race, Planning and the Failure of Urban Policy in Washington, DC,* University of Pennsylvania Press, 2006, pp. 54-59.

9. Kennedy, Edward M. and Ernest Hollings. "Representation for the District," *Washington Post*, May 19, 1978.

10. Jaffe and Sherwood, op.cit., p. 28.

11. Melder, op.cit., p. 565.

12. Smith, Sam. *The End of Home Rule* (Speech at the conference of DC New Democracy), February 25, 1995.

13. Richards, op.cit., p. 149.

14. Sun, Lena H. "DC Backsliding in Effort to Fight AIDS," *Washington Post*, March 8, 2011.

15. Meyers, Edward M. *Public Opinion and the Political Future of America's Capital*. Georgetown University Press, p. 87.

16. Smith, *The Statehood Papers: Writings on DC Statehood and Self-Government.* http://prorev.com/dcstdfirst.htm.

17. Meyers, op.cit.., pp. 76-80.

18. Richards, op.cit., p. 235.

19. Washingtonpost.com, Summary of Title XI, HR 2015 ("District of Columbia Revitalization"), July 31, 1997.

20. Fauntroy, op.cit, p. 154.

21. Richards, op.cit., p. 245.

22. Stand Up! for Democracy in DC Coalition, 10th Anniversary Program, October 17, 2007

23. Miller, Bill, "DC Loses Bid for Vote in Congress," *Washington Post*, October 17, 2000.

24. Smith, *DC News Service On-Line Report* #42, July 3, 1998.

25. Ibid.

26. Somerman, Stephanie, "District Moves One Step Closer to Voting Rights Victory," The Leadership Conference for Civil Rights (website), October 9, 2006.

27. Norton, Eleanor Holmes. Website, January 1, 2011.

28. Gray, Vincent C. Inauguration Speech, printed in the *Washington Post*, January 2, 2011.