



Shadow Delegates: Emerging From the Dark

By Meredith Ponder, TheGeorgetownIndependent.com, September 27, 2006

Del. Eleanor Holmes Norton sits alone as her colleagues vote on the floor of the House..

A display from the introduction of H.R. 5388..

Map of the "territory of Columbia," circa 1819..

Volunteers for DC Vote march in the 8th St. SE Fourth of July parade..

Their role in the District's fight for statehood and voting rights

With the resurgence of interest in full voting representation for Washington, D.C. in the U.S. Congress, another proposal has resurfaced with new vigor: the idea that the District of Columbia should become its own state. Many citizens inside the Beltway are enthusiastic; few outside the Beltway are even aware of the suggestion.

Among D.C.'s political activists working to persuade Congress and the nation to grant D.C. full congressional representation are a handful of people with shady titles. "Shadow senator"? "Shadow representative"? Is this a joke? Some sort of political stunt? While some might argue the latter, the reality is that these individuals are elected by D.C. voters to lobby for D.C. voting representation, including the possibility of statehood. Who are they? How did this concept arise? These questions can only be answered by examining the history of the District's movement to obtain political autonomy.

Shadow delegates

Why did D.C. include a shadow delegation in its constitutional measure? Tennessee, California, Minnesota, Oregon and Alaska elected shadow delegates before their admission to the Union. None of the delegates had voting rights, but most were seated on the Senate and House floors. Though the District had provided for shadow delegates in 1980, D.C. voters did not elect a shadow delegation until 1990. The first senators elected were the Reverend Jesse Jackson, Sr. and Florence Howard Pendleton; the first representative elected was Charles Moreland. D.C. shadow senators and representatives are unpaid.

Michael D. Brown is the Democratic shadow senate candidate to replace Sen. Paul Strauss, who vacated his seat to run for the open council seat in Ward 3. **Brown** feels strongly about the cause of D.C. statehood; in fact, he is running under the campaign slogan, "**Michael Brown**, the last shadow Senate candidate you'll ever need." A New Jersey native, he lived in Montgomery County as a teenager and has lived in the District for 22 years. He is the president of Horizon Communications Corp., a direct-mail firm that provides its services to political organizations and non-profits, experience which he says will benefit the national campaign he envisions.

In an interview, **Brown** emphasizes that the problem with the D.C. voting rights issue are “a problem of information! 82 percent of the American people believe that we have the right to representation, including 78 percent of Republicans! But, over 70 percent of people believe that we are represented.”

However, Brown has plans to enlighten the general public about this issue. His first move would be to lobby the City Council for money to fund a national campaign. “They ought to have a budget for this. We ought to be able to find a couple of bucks to throw at this,” **Brown** stated.

Brown is also concerned with the lack of awareness of shadow senators among even D.C. residents. “Out of over 100,000 voters, 25,000 did not even vote for this office.” He sees two problems: “First, a lot of people don’t even know what this is. Second, it annoys a lot of people. People feel the office is a detriment, that it makes it look like we have representation when we don’t.”

When asked about the use of the term “shadow senator” to describe his office and whether or not he felt the phrase was accurate, **Brown** replied, “It is pejorative. However, we should use the term so that everyone is painfully aware that D.C. does not have a legitimate senator.”

D.C. voting rights history

The movement for D.C. voting representation began with the passage of the Organic Act of 1801, which allowed Congress full jurisdiction over District affairs and did not provide for elected representation from D.C. The act also divided the federal district into two counties, Alexandria (the Virginia-ceded portion of the District) and Washington (the portion of the District from Maryland). Prior to 1801, residents who lived in areas that had formerly belonged to Virginia voted for Virginia representatives and senators, and residents from Maryland-ceded areas voted for Maryland’s congressional delegation. In fact, from 1793 to 1794, Uriah Forrest, a Georgetown resident, was elected as a representative from Maryland. The cities of Georgetown and Alexandria were in the jurisdictions of Maryland and Virginia, respectively, before 1801.

The residents of Georgetown and Alexandria attempted to return to the jurisdictions of their original states four times, having legislation introduced on their behalf in 1803, 1804, 1818 and 1834. In 1846, the state of Virginia requested that Alexandria County be retroceded. Congress, the President and the citizens of that portion of the District agreed. A law was passed by Congress in the same year. However, citizens living in Georgetown, Washington City and Washington County could not vote on the matter.

The remaining citizens of the area were consolidated into what became officially known as the District of Columbia in 1871. This act of Congress abolished the Washington City, Washington County, and Georgetown governments and allowed for a non-voting delegate from the District to Congress. In 1874, however, after severe overspending on the part of a District governmental appointee by President Ulysses S. Grant, Congress took complete control of the District and ended D.C.’s non-voting congressional delegate position.

Over the next century, the battle over voting rights and self-government grew worse. In 1938, close to 300 civil organizations held a referendum--should D.C. residents be allowed to vote for federal offices, and should D.C. have “home rule,” an autonomous, elected local government? The referendum found

that D.C. citizens wanted to be able to elect federal offices by a margin of 13 to 1, and would prefer home rule by a margin of 7 to 1. The battle for representation and autonomy was on once more.

Some of the wishes of District citizens were granted several decades later. A Supreme Court decision in 1953 ruled that Congress was empowered to grant self-government to DC to the same extent that territories were permitted. Eight years after that decision, in 1961, the 23rd Amendment was ratified, which gave D.C. residents the right to vote in U.S. presidential elections. This amendment did not completely settle the voting question, though; the District was only granted the same number of votes in the Electoral College as that of the smallest state, despite having a population larger than that of several actual states. However, it was still a victory, as D.C. citizens had not been able to vote in presidential elections since 1801. Further, D.C. still did not have home rule and it still did not have any voice in Congress.

The campaign for statehood

In 1969, a group of African-American activists formed the DC Statehood Committee, which would provide the District with both home rule and full voting representation. The next year, the Statehood Committee formed the DC Statehood Party, which achieved a local presence.

Congress appeared to be listening to the growing rumblings of discontent in D.C., as well as the voices of support from past and then-present Presidents Nixon, Johnson, Kennedy, Eisenhower, and Truman. Nixon, in a 1969 speech to Congress, stated, "It should offend the democratic sense of this nation that the 850,000 citizens of its Capitol, comprising a population larger than 11 of its states, have no voice in the Congress." In apparent response, Congress established a "state level" court system for the District in 1970, and in the same year, the D.C. Election Act restored D.C.'s non-voting delegate to the House of Representatives.

Legislative victories continued to increase, which supporters of statehood felt paved the way for consideration of the concept by Congress. On December 24, 1973, the "Home Rule Act" was signed into law. The Act enabled, with some restrictions, the election by citizens of a mayor and a 13-member Council. The Council was unable to tax federal property, federal exemptions, or non-District residents who commuted to work in the District. Congress also retained veto rights on any legislation the Council passed, and the D.C. budget had to be approved by both Congress and the President. In 1974, District voters ratified this charter and voted for their first elected mayor in over 100 years--the Honorable Walter Washington, the first black mayor of a major U.S. city.

Further fueling the fire, in 1978, with over a two-thirds majority in both chambers of Congress, the DC Voting Rights Constitutional Amendment passed. If ratified, it would have given District residents full representation in both the House and the Senate. Riding this momentum, in 1980 District voters approved a measure calling for a D.C. state constitutional convention. A Constitution for the State of "New Columbia" was ratified on November 2, 1982. The measure called for a shadow delegation of congressmen to lobby Congress on statehood.

Unfortunately, the statehood movement's momentum had slowly begun to deteriorate. Some lawmakers started to make statements criticizing D.C.'s local government. In 1981, Rep. David Daniel

Marriott (R-UT) said, “The D.C. City Council isn’t speaking for America. We ought not allow that group of thirteen good souls to make policy for this city. Only Congress has the right to decide what kind of activity we want going on in Washington, D.C. If they [citizens of the District] don’t like it, they can move to Maryland or Virginia.”

In 1983 and 1985, more setbacks arose. The U.S. Tax Court ruled in 1983 that though citizens of the District had no voting representation in Congress, they were still obligated to pay federal income taxes, thus voiding the “no taxation without representation” argument. The DC Voting Rights Constitutional Amendment failed in 1985, having received only 16 of 38 states’ ratifications.

Legislation for D.C. statehood was introduced again in 1987 and 1993. The 1987 legislation did not leave committee; the 1993 legislation failed in the House with a vote of 153 for and 277 against. One victory did arise from 1993: D.C. Del. Eleanor Holmes Norton, along with the delegates from the four U.S. territories, was permitted to vote on the floor of the House. This privilege was only restricted by the provision that if the delegates’ votes are decisive, a second vote which excludes the delegates is mandatory. However, in 1995, when the Republicans regained control of Congress, all delegates were terminated from the House roster and their floor voting rights were revoked.

Debate

The question remains: why doesn’t D.C. have a “legitimate senator” after over two centuries of effort? Is it possible for D.C. to become a state?

In a report by R. Hewitt Pate published by the Heritage Foundation, Pate makes several arguments for the problems with D.C. statehood, mostly Constitutional problems. Article I, Section 8 of the Constitution gives Congress full authority over District affairs. Article IV, Section 3 provides that no new state may be created from another state’s land without that state’s permission, thus bringing Maryland into the debate. Finally, the 23rd Amendment provides for D.C. “as if it were a State” (emphasis his), which implies that D.C. cannot be a state, according to Pate.

Pate also is concerned by the District’s lack of substantive industry other than the federal government and with its financial management problems. Further, he worries that the state government of New Columbia would remove building height limits, thus ruining the iconic Washington skyline.

Opposition to D.C. statehood has also come from the White House. In 1990, President George H.W. Bush said in a question-and-answer session that he was “opposed to statehood.” He continued, “This is a federal city and in my view it should remain that. Its funds come almost exclusively from the federal government. And so, put me down as unsympathetic to that particular cause.” (According to DC Vote, the White House later attempted to clarify Bush’s depiction of D.C. funds: “Only 14 percent of the city’s operating budget comes from federal sources; the rest comes from local taxes and fees.”)

In 2005, President George W. Bush also made his opposition to the D.C. statehood movement known at a Congressional Black Caucus meeting. When asked by Norton whether or not he supported statehood, Bush remarked, “I do not favor statehood. I do not support that at all.”

However, there are conservative voices that do support at least granting D.C. voting rights. (Pate makes little mention of this proposal in his article.) As Rep. Dana Rohrabacher (R-CA) stated in 2004, “No taxation without representation” is a fundamental principle of our democratic society, which since our founding has continually expanded the voting franchise. Today, thanks to the Uniformed and Overseas Citizens Absentee Voting Act, there is nowhere in the world that a U.S. citizen can move to, still owing federal income tax, and lose their rights to voting representation in the U.S. Congress; nowhere, that is, except to our nation’s capital, Washington, D.C.

Would the steadfastly pro-statehood **Brown** accept any compromises? He stated, “There are compromises that I would be willing to accept, but statehood solves all our problems. If [Congress] give[s] us the right [to full voting representation], they can always change that.”

Future of the movement

The future of D.C. statehood is still uncertain, but a well-supported bill currently pending may provide D.C. residents with a voting representative in the House. The D.C. Fair and Equal House Voting Rights Act, a bill introduced by Rep. Tom Davis (R-VA) and Norton, just received its second hearing before the House Judiciary Committee. The plan, which would grant D.C. a voting representative and Utah an extra at-large seat, to be reassigned after the 2010 Census, has received mixed but mostly warm reception in Congress, though some legal experts see problems with the Utah at-large seat, fearing that it may be unconstitutional.

The D.C. government also continues to express strong support for D.C. statehood and voting rights. Vincent Morris, representing Mayor Anthony Williams, said that “the mayor is very excited by the recent positive efforts on Capitol Hill to address the lack of voting rights in D.C. The mayor believes that we have strengthened our case by managing the city prudently and smartly over the last few years, taking away any possible justifications for objecting.” Morris added that it is the mayor’s “belief that we are closer than ever before to getting this done.”

Democratic mayoral candidate Adrian Fenty also supports statehood. In an interview with Metro Weekly, he stated, “People tend to think of it as something that will never happen, but I remember when I started college there was apartheid in South Africa and no one thought it would ever go away. Things that look impossible can happen. It takes the right alignment of the moon and stars, but I think it will pass that those stars will align for us, so we always have to look for an opportunity. Part of that opportunity is just aggressive lobbying.”

Whatever the outcome of this most recent legislation, it seems that the fight for D.C. rights is just beginning. **Brown** hopes that Georgetown students will be inspired: “We need to get young people involved; we need to get momentum from people in our city who are being educated here and who will go back and take the message with them. We need to spread the word.”

Ponder is news editor and an arts and sciences sophomore