



U.S. Commission on Civil Rights Supports the Washington, D.C. Admission Act

July 17, 2020

The U.S. Commission on Civil Rights by majority vote supports the Washington, D.C. Admission Act¹ as consistent with our core mission of addressing “deprivations because of color, race, religion, sex, age, disability, or national origin. . . of the right of citizens of the United States to vote and have votes counted.”² More than 700,000 Americans living in Washington, D.C. are denied meaningful representation in Congress.³ This ongoing denial of voting rights cannot be separated from D.C.’s historic role as a majority-Black city.⁴ While D.C. has a congressional delegate in the House of Representatives, she is denied the opportunity to vote—a point driven home when D.C. Congresswoman Eleanor Holmes Norton was unable to cast a vote for the Admission Act, a bill she proposed and sponsored.⁵ D.C.’s residents are required to comply with all the obligations of citizenship, but denied full and equal representation in a country that was founded on the revolutionary premise of “no taxation without representation.”⁶

The federal government collects \$27 billion per year in tax revenue from the District⁷—more than the federal income tax paid by the residents of 22 states, at the highest per capita rate in the nation.⁸ District residents have fought, suffered wounds, and died for

¹ Specifically, the Commission supports §§ 102, 103, and 221-24. Washington, D.C. Admission Act, H.R. 51, 116th Cong. (2020).

² 42. U.S.C. § 1975a(a).

³ Office of DC Mayor Muriel Bowser, *Why Statehood for DC*, <https://statehood.dc.gov/page/why-statehood-dc>. [hereinafter Bowser, *Why Statehood for DC*] For context, D.C. has more residents than both Wyoming and Vermont, and is on par with Alaska, all three of which are represented by two Senators and a full voting member of the House. See <https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html>.

⁴ In 1980, D.C. was 70% Black. D.C. shifted to a majority-black city in the late 1950s, and remained so until the early 2010s. Today, D.C. is 46% Black. Peter Tatian and Serena Lei, Urban Institute, Washington DC: Our Changing City (2014),

<https://apps.urban.org/features/OurChangingCity/demographics/index.html#index>. See also U.S. Census Bureau, QuickFacts: District of Columbia (2019), <https://www.census.gov/quickfacts/DC>.

⁵ Cochrane, Emily. *In Historic Vote, House Approves Statehood for the District of Columbia*, The New York Times (June 26, 2020) <https://www.nytimes.com/2020/06/26/us/politics/dc-statehood-house-vote.html>.

⁶ See Adams’ Original Draft (September 1765), in *United States National Archives*, <https://founders.archives.gov/documents/Adams/06-01-02-0054-0002>.

⁷ Internal Revenue Service, *IRS Data Book, 2019*, Publication 55-B, Washington, DC (June 2020) available at <https://www.irs.gov/pub/irs-pdf/p55b.pdf>.

⁸ Bowser, *Why Statehood for DC*.

our country, counting among them 38 Medal of Honor recipients.⁹ And yet despite fulfilling the obligations of U.S. citizenship, without voting representation in Congress D.C. residents have no say in how their tax money is spent, with whom they go to war, or who sits in judgment in their courts.¹⁰

D.C. residents have only been able to vote for President and Vice President since 1961.¹¹ Historically, the enfranchised white men living in the District initially continued to vote in their former states¹² when D.C. was incorporated in 1791. Congress disenfranchised the District's residents with the passage of the Organic Act of 1801. It consolidated all power to govern D.C. in Congress to avoid state politics influencing the fledgling federal government,¹³ though Washingtonians were afforded the right to elect a mayor in 1820.¹⁴ With the abolition of slavery¹⁵ and the enfranchisement of Black men,¹⁶ democratic participation in the District increased until Congress again stripped D.C. of self-determination in 1878 by replacing the mayor with three presidential appointees, a system that would persist until 1973.¹⁷ Senator John Tyler Morgan,¹⁸ along with other members of Congress, supported D.C. disenfranchisement on racist grounds in 1878. He stated it was necessary to strip D.C. of autonomy, to "burn down the barn to get rid of the rats ... the rats being the negro population and the barn being the government of the District of Columbia."¹⁹

Today, proponents of the argument that District residents do not deserve representation promote racist denigration of Black District residents, with, for example, a United States Senator asking on the floor of the U.S. Senate this year: "Would you trust Mayor Bowser to keep Washington safe if she were given the powers of a governor? Would you trust Marion Barry?"²⁰ In addition to this characterization of Black DC residents as

⁹ Congressional Medal of Honor Foundation, *Medal of Honor Recipients by State*, available at <https://themedalofhonor.com/wp-content/uploads/2020/02/Medal-of-Honor-Recipients-by-State-pdf.pdf>

¹⁰ See generally U.S. Const. art. I.

¹¹ U.S. Const. amend. XXIII

¹² Until the Organic Act of 1801, D.C. residents continued to vote in their former states of residence, Maryland and Virginia.

¹³ D.C. Vote, *A History of Democracy Denied*, <https://www.dcvote.org/fight-equality/washington-dc-historical-timeline-nations-capital>

¹⁴ D.C. Vote, *DC Voting Rights Historical Timeline*, <https://www.dcvote.org/lesson-plan-teachers/lesson-plan-dc-voting-rights-historical-timeline-two-pages>

¹⁵ The District of Columbia Emancipation Act of 1862. See <https://www.archives.gov/exhibits/featured-documents/dc-emancipation-act>

¹⁶ U.S. Const. amend. XV

¹⁷ These three commissioners were subsequently given responsibility for what had formerly been the work of over 50 local boards. In 1967, these three commissioners were reduced to one presidentially-appointed commissioner. It was not until 1973 that Congress once again granted D.C. the right to popularly elected mayor and city council. See DC Vote, *History of Local Government in Washington, D.C.*, <https://www.dcvote.org/inside-dc/history-local-government-washington-dc>

¹⁸ Senator Morgan was a former Confederate general and slaveholder. See <http://www.encyclopediaofalabama.org/article/h-1508>.

¹⁹ See Brief for the District of Columbia as Amicus Curiae Supporting Plaintiffs at 7, *Castañon v. United States*, Civ. No. 18-2545 (D.D.C. Jun. 10, 2019) (citing 22 Cong. Rec. 165 (1890), statement of Sen. Morgan).

²⁰ See 166 Cong. Rec. S3297 (daily ed. June 25, 2020) (discussion of HR51). See also Tim Murphy, *Tom Cotton's Argument Against DC Statehood Is the Same One Racists Have Always Used*, Mother Jones (June 26, 2020), <https://www.motherjones.com/politics/2020/06/tom-cotton-washington-dc-statehood/>.

untrustworthy, a member of Congress this year denied even that District residents are “real Americans.”²¹

In our 2018 report on Minority Voting Rights Access, the Commission recognized that “an understanding of the historical exclusion of people of color from American citizenship is needed to understand the history of minority voting rights in the United States.”²² The protection of voting rights has been the core of the Commission’s work since its inception. We reiterated in the 2018 report,

the Commission recommended [in February of 1965] that all literacy tests and similar instruments be eradicated, and that the President should establish an affirmative program to ensure that *all citizens* have the ability to register and vote in *all elections*.²³

Those recommendations would go on to form the factual basis for the seminal Voting Rights Act of 1965. The current denial of representation for D.C. residents in the U.S. capital runs exactly contrary to the core democratic principles on which our nation was founded and the work so many have undertaken to expand voting rights to all.

The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. For information about the Commission, please visit <http://www.usccr.gov> and follow us on Twitter and Facebook.

²¹ See U.S. Congressman Chip Roy’s (R-TX) lamentations over Congress choosing to spend time on D.C. statehood rather than “real Americans,” criticizing Congress for failing to “[do] its job to represent the people, the forgotten man.” 166 Cong. Rec. H2537 (daily ed. June 26, 2020) (consideration of Bill HR51).

²² U.S. Commission on Civil Rights, *An Assessment of Minority Voting Rights Access in the United States*, p. 15 (Sept. 12, 2018), https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf.

²³ *Id.* at 21-22 (emphasis added)