

## Give D.C. residents the right to vote

*by Jack\_Kemp*

How's this for irony: Headlines recently proclaimed that the White House was opposed to giving the vote to the more than 600,000 residents of our nation's capital, who, incidentally, are paying federal income taxes to send members of their families to Iraq and Afghanistan so as to guarantee the right to vote for the residents of those nations' capitals.

Even as the Judiciary Committee of the House of Representatives was passing the bill, co-sponsored by Reps. Eleanor Holmes Norton, D-D.C., and Tom Davis, R-Va., a spokesman for President Bush was saying the bill is unconstitutional without showing a modicum of sympathy or even a modest understanding of this irony.

The White House spokesman is putting the president in the position of outspoken opposition to expanding the democratic ideal here in the nation's capital, while simultaneously the White House argues the president has the constitutional authority to defend freedom and extend democratic rights to the people of Baghdad and Kabul.

I wrote last May: "Throughout our nation's history, District of Columbia citizens have given the full measure of their allegiance to the United States. They have fought in and died in every war in which the United States was engaged, they have paid billions in taxes, and they have provided labor and resources to the U.S. economy and government. Yet for 200 years, district residents have been bystanders in the governance of their nation."

With regard to the constitutional arguments, one of the leading conservative lights in the House of Representatives, Mike Pence of Indiana, recently wrote, "Opponents of D.C. voting understandably cite the plain language of Article I that the House of Representatives be comprised of representatives elected by 'the people of the several states.' If this were the only reference to the powers associated with the federal city, it would be most persuasive, but it is not. Article I, Section 8, Cl. 17 provides, 'The Congress shall have power ... to exercise exclusive legislation in all cases whatsoever' over the District of Columbia."

Pence courageously and wisely voted yes against White House wishes and, sadly, those of the GOP leadership.

In 1984, Justice Antonin Scalia observed that the Seat of Government Clause of the Constitution gives Congress "extraordinary and plenary" power over our nation's capital. Scalia added that this provision of the Constitution "enables Congress to do many things in the District of Columbia which it has no authority to do in the 50 states ... There has never been any rule of law that Congress must treat people in the District of Columbia exactly the same as people are treated in various states." *United States v. Cohen*, 733 F.2d 128, 140 (D.C. Cir. 1984).

Chief Justice John Marshall acknowledged in the early 19th century that "It is extraordinary that the courts of the United States, which are open to aliens, and to the citizens of every state in the union, should be closed upon (district citizens)." But, he explained, "This is a subject for legislative, not for judicial consideration."

Marshall thereby laid out the blueprint by which Congress, rather than the courts, could treat the district as a state under the Constitution for the purposes of enfranchisement.

Neither I, nor Tom Davis nor Mike Pence, is arguing for the District of Columbia to become a state. Indeed, from the inception of our nation the founders believed the House of Representatives was the House of the people. I believe passionately that the architects of the American Constitution left us the tools to ensure that all American people should have a voice and vote in the "people's house."

I'm troubled by people in the White House who show compassion for the people of Baghdad and Kabul, as they should, but can't find it in their hearts to show anything but indifference to the cries for justice in the nation's capital.

What these presidential advisers are doing is rigidly interpreting the Constitution in such a way as to make the Party of Lincoln into a party that condemns the people of our nation's capital, including four of my 17 grandchildren, from ever participating in the great issues of the day as debated and decided in the House of Representatives.

Indeed, this is taxation without representation.

Republicans have historically supported civil, human and voting rights, including the passage of the 13th, 14th and 15th Amendments. We have a great history of bipartisan support for civil rights, but it was our presidential candidate in 1964 who refused to take a stand for civil and social justice for African-Americans.

My question is, does this president want to continue the legacy of Lincoln, Grant and Eisenhower, or that of Barry Goldwater in 1964?

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