

## PERSONAL EXPLANATION

**HON. STEPHANIE TUBBS JONES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 7, 2002*

Mrs. JONES of Ohio. Mr. Speaker, please be advised that I missed votes on Tuesday, October 1, 2002 due to a funeral of an employee. Had I been present, the record would reflect that I would have voted: on rollcall No. 424, S. 434 Motion To Suspend the Rules and Pass Yankton Sioux Tribe of South Dakota and Santee Sioux Tribe of Nebraska, "yea," on rollcall No. 425, H.R. 4125 Motion To Suspend The Rules and Pass Federal Courts Improvement Act of 2002, "yea," and on rollcall No. 426 H. Res. 538 Motion To Suspend the Rules and Agree Honoring Johnny Unitas and extending condolences to his family on his passing, "yea."

AMERICAN LEGION'S DISTRICT OF  
COLUMBIA 2002 HIGH SCHOOL OR-  
ATORICAL CONTEST**HON. THOMAS M. BARRETT**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 7, 2002*

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to share with my colleagues a speech written and delivered by Nicholas "Nick" Barbash, a senior at School Without Walls, a District of Columbia Public Senior High School. Nick's family hails from my Congressional District in Wisconsin and both of his parents have been employed as professional staff in the House of Representatives. Nick's speech, entitled "Taxation Without Representation in the District of Columbia" recently won First Place in the American Legion's District of Columbia 2002 High School Oratorical Contest. I hope that you will enjoy Nick's speech which makes the case for DC voting rights from both a historical and moral perspective.

In a time when young people are so often dismissed as passive and uninterested in relevant social issues, Nick's winning speech shows how a young person can make a difference in promoting a message to his fellow students and the general public. After placing first in the DC contest, Nick had the opportunity to deliver this speech to the National Finals of the American Legion's contest in Indianapolis, Indiana. According to Nick, other participants in the competition as well as their parents were unaware that DC residents had no full voting rights.

Nick's argument will help enlighten those who are still unaware of the injustice residents of the District feel in grappling with their lack of representation.

TAXATION WITHOUT REPRESENTATION IN THE  
NATION'S CAPITAL(Written and delivered by Nicholas M.  
Barbash)

Ladies and gentleman, imagine for a moment that you are touring Washington, D.C. Where would you go? You would probably visit the Washington Monument, the Lincoln Memorial, the U.S. Capitol, the White House, and I am sure you would also visit the National Archives. You would go into the main chamber, you would peer through the thick

glass, and you would see the actual documents on which our country was founded: the Declaration of Independence and the Constitution. And in the midst of your awe and reverence stand the guards, who are hurrying you along in line and making sure no harm comes to these documents.

I bet you did not know that many of those guards, who protect the Constitution, are not protected by the Constitution. They are just a few of 500,000 residents of Washington, D.C. who are lawful American citizens, with all duties and obligations thereof, but are not represented in the federal government. Congress has total control over Washington, D.C.; it approves and can veto any actions by the local government. However, D.C. has no representation in Congress, no senators, no congressmen, and up until 1961, we could not even vote for president.

This situation has been going on in our nation's capital for more than two hundred years now because of Article I, Section 8, Clause 17 of the Constitution. This states that Congress shall have power "to exercise exclusive legislation in all cases whatsoever over such district . . . as may . . . become the seat of government of the United States." In 1787, when the Constitution was written, there was a good reason for this clause. There were serious tensions between Northern and Southern states, and the capital needed to be independent so it would not be controlled by any of the states.

But times have changed, and this issue is now obsolete. And the Founding Fathers, in their infinite wisdom and foresight, knew that times would change, and that additions or corrections to the Constitution would have to be made, as the great Supreme Court Justice John Marshall said, "to be adapted to the various crises of human affairs." Well in America, taxation without representation in the nation's capital is a crisis of human affairs.

After America gained independence but before our modern Constitution was ratified, this country wasn't really the United States. It was two groups of separate states, northern and southern, with interests so different that they could almost be considered separate nations. Now if these states were to permanently remain one nation, the capital would have to be on neutral ground, controlled by no state. So the Framers wrote in the Constitution that the governing district would be controlled by Congress. They did not imagine that anyone besides members of Congress would ever actually be living there, but ordinary people did begin to move in starting in 1800. Sixty-five years later, Reconstruction after the Civil War seemed like the perfect time to renew the vows of democracy and to finally grant representation to D.C., as the issue of northern or southern domination of the capital had been put to rest with the end of the Civil War.

However, Congress did almost the exact opposite in 1876, when it arbitrarily abolished the local government and put the city under the control of three presidentially appointed commissioners. It took almost a century after that until the offices of mayor, city council, and school board were finally restored. However, in 1995, Congress stripped the local government of all appreciable power and gave it to another presidentially appointed body. Then in 1999, as soon as a mayor they liked was elected, they gave it back.

Ladies and gentlemen, not only are these actions contrary to everything the Constitution stands for, but they are very similar to the actions King George III committed that caused America to declare independence in 1776. There are several paragraphs in the Declaration of Independence in which Thomas Jefferson lists these actions. Among

them: "For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever," "For imposing taxes on us without our consent," "For dissolving representative houses repeatedly." The parallel is unmistakable. America declared independence from England because England was doing to them in 1776 what America is doing to Washington, D.C. in 2002.

Washington, D.C. did file a citizens lawsuit in 1998, which made it all the way to the Supreme Court. The suit made the claim that the Constitution guarantees states a republican form of government but not D.C., thereby denying the fourteenth amendment right of equal protection under the law. The city is a federal enclave, and the argument was made that some federal enclaves eventually became states, such as Wyoming and Alaska, and others, such as military bases abroad, allowed their residents to vote in other states. D.C. was allowed neither of these, even though it is almost as populous as Alaska, more populous than Wyoming, and more prosperous than both of them. The Court rebutted this argument on the grounds that the specific wording of the fourteenth amendment is that "no state shall deny . . . equal protection of the laws," and of course D.C. is not a state. It also recognized that though Article I, Section 8 obviously does not apply anymore, it is not the role of the Court to update the Constitution for our times; that is the role of Congress and of the state legislatures.

That's the legal perspective on this issue. Here's the moral perspective:

D.C. residents have all the duties and obligations to the government that go with being a U.S. citizen. We pay taxes to the federal government, we serve in the military, we appear for jury duty,—we have all the obligations. What we do not have are the rights that go with those obligations: representation in the federal government and un-abridged self government. These rights are guaranteed in the body of the Constitution, and they are also guaranteed in the Preamble of the Constitution: "To secure the blessings of liberty."

Like everyone else across the country, we pay federal taxes. As a matter of fact, we pay higher taxes than 49 states. But unlike everyone else across the country, we can't elect the people who decide how those tax dollars are spent. In 1767, the Massachusetts lawyer James Otis declared that "taxation without representation is tyranny." Now a lot has changed in this country since Otis' time. But two important things are constant for all Americans: voting and taxes.

In 1767, America had the taxes but not the vote. As the country became independent and progressed through time, the poor paid taxes and eventually got the vote; women paid taxes and eventually got the vote; minorities paid taxes and eventually got the vote; D.C. paid taxes but did not get the vote. Our America may be very different from James Otis' America, but taxation without representation is still tyranny!

D.C. lost more soldiers in the Vietnam War than 10 states did. A D.C. marine regiment was recently sent to fight in Afghanistan. They're fighting the war, but they are without a say in whether or not they should be fighting the war. Even thirty years ago, the Washington Star newspaper said about this issue, "What right have we to hurl epithets and denunciations at dictatorships and totalitarian states in other parts when an almost perfect example of irresponsible forms of government is maintained by our own national government in our own national capital?"

Congress took power from the D.C. government in 1995 because it essentially felt that