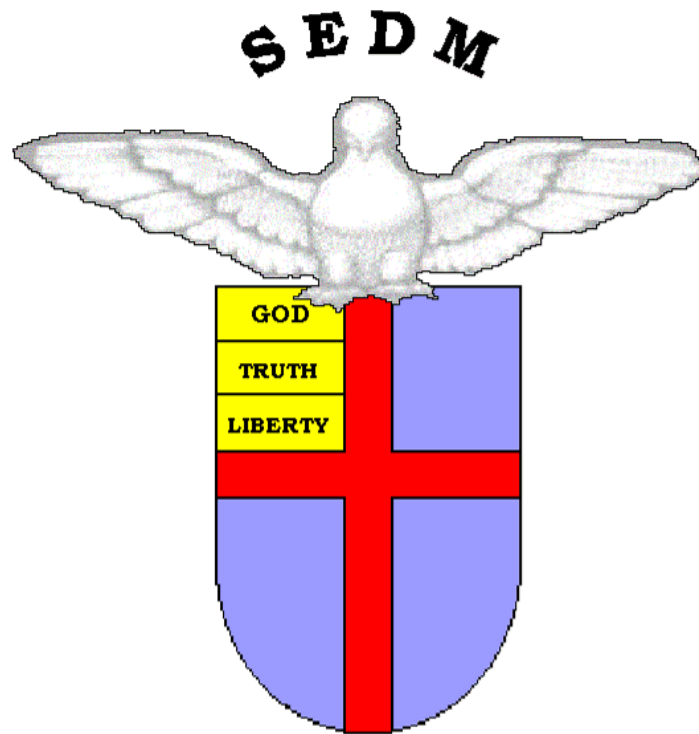


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64TH CONGRESS : : : 1st SESSION

DECEMBER 6, 1915—SEPTEMBER 8, 1916

# SENATE REPORTS

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# Calendar No. 412.

64TH CONGRESS, }  
1st Session. }

SENATE.

} REPORT  
No. 443.

## ELECTION OF DELEGATE FROM THE DISTRICT OF COLUMBIA.

MAY 15, 1916.—Ordered to be printed.

Mr. POMERENE, from the Committee on the District of Columbia, submitted the following

### REPORT.

[To accompany S. 681.]

The Committee on the District of Columbia of the Senate reports favorably upon Senate bill 681, and recommends its passage with the amendments therein indicated.

The bill as presented by Senator Poindexter provides for—

(a) The nomination and election of a Delegate to the House of Representatives from the District of Columbia, and defines his powers and privileges.

(b) A presidential primary.

(c) The election of delegates to the national presidential conventions.

(d) The necessary election machinery for said purposes.

(e) Prescribes the qualifications of electors.

The bill as favorably reported eliminates the provisions relating to the presidential primary and the election of delegates to the national presidential conventions. As amended and approved by the committee, it authorizes (a) the nomination and election of a Delegate to the House of Representatives and defines his powers and privileges; (b) the necessary election machinery; and (c) prescribes the qualifications of electors in the District. Under this bill, the Delegate is given the same powers and privileges and is entitled to the same rate of compensation as the Delegates in the House of Representatives from the Territories of the United States.

The committee decided to strike out the provisions of the bill relating to a presidential primary and the election of delegates to the national presidential conventions, because waiving the differences of opinion as to the policy of such legislation, the members believed it would be impossible to pass this bill so as to make it effective for the coming presidential conventions. If the pending bill should be passed



the election machinery will be provided and it will be a comparatively simple matter, later, to provide for the presidential preference primary and the election of delegates to the national presidential conventions.

#### BRIEF HISTORY OF THE LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA.

Under the Constitution Congress exercises "exclusive legislation in all cases whatsoever of such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States."

On July 16, 1790, the Congress accepted from Maryland and Virginia the District of Columbia, and it was provided that "the operation of the laws of the State within such District shall not be affected by this acceptance until the time fixed for the removal of the Government thereto and until Congress shall otherwise, by law, provide." Under this act, and for 10 years thereafter, the territory ceded by Maryland was subject to Maryland-made laws and that ceded by Virginia to Virginia-made law.

On February 27, 1801, Congress again declared that the laws of Maryland should continue in force in that portion of the District ceded by Maryland and the laws of Virginia in that portion of the District ceded by Virginia.

On May 3, 1802, the city of Washington was incorporated. Under this act, a council of 12 members was created to be elected annually by ballot by the free white male inhabitants of full age. The 12 councilors thus elected chose from their number 5 members to form a second chamber. The mayor was appointed by the President of the United States. He in turn appointed all other officers of the corporation. Ordinances passed by the council were subject to the approval of the mayor, but could be reconsidered and passed over his veto by three-fourths vote of the two branches of the city council.

In 1804, this system was so changed as to provide for two chambers in the city council, of nine members each, elected annually.

In 1812, the charter was again amended so that the corporation was composed of a mayor and board of aldermen and a board of common council. The board of aldermen had eight members elected for a term of two years, two from each of the four wards, one-half retiring each year. The board of common council had 12 members, 3 from each ward, elected annually. The mayor was annually elected by the joint ballot of the common council and the board of aldermen. The franchise was restricted to white male citizens who were taxpayers.

In 1820, a new charter was provided, to remain in force for 20 years, or until Congress should otherwise provide. The most important change made in the city government was the election of a mayor biennially by popular vote. With slight changes, this charter continued until 1848, when it was again amended and renewed for another period of 20 years.

By the act of 1848, other offices were made elective and suffrage was extended to all free white males of 21 years of age who were subject to and had paid their taxes.

In August, 1861, Congress passed an act combining the cities of Washington and Georgetown and the county of Washington into a

“Metropolitan police district.” Five commissioners of police, appointed by the President of the United States for a term of three years, together with the mayors of Georgetown and Washington, formed the board of police commissioners, to which was given entire control of the police force of the District of Columbia.

On January 8, 1867, the right to vote at elections in the District of Columbia was extended so that all male persons above the age of 21 years should have the right to vote in the District, without distinction on account of color or race.

In 1868, with slight changes, the charter was again extended for one year and later, until 1871, when the city of Washington was merged with the other parts of the District of Columbia.

On February 21, 1871, the government of the District was reorganized in a way similar to that provided for the Territories of the United States. The executive power was placed in a governor appointed by the President and confirmed by the Senate. The legislative power was vested in a legislative assembly composed of a council and the house of delegates. The council had 11 members appointed by the President with the approval of the Senate. The house of delegates was composed of 22 members elected annually. The governor was given the right of veto, which could be overruled by a two-thirds vote of all the members of the council and the house of delegates. The right of suffrage was exercised by all male citizens over 21 years of age. The legislative power of the District extended “to all rightful subjects of legislation within said District, consistent with the Constitution of the United States,” and the provisions of the act of February 21, 1871, subject, however, to certain limitations contained in the act itself and all the acts of the legislative assembly were at all times subject to repeal or modification by the Congress of the United States. The financial powers of the new government were definitely limited. The power to tax and to make appropriations was vested in the legislative assembly within prescribed limits.

A board of public works, however, was created, consisting of the governor and four persons appointed by the President and confirmed by the Senate. It was vested with power to make all regulations considered necessary for keeping in repair the streets, avenues, and sewers of the city and all other work which should be intrusted to it by the legislative assembly or by Congress.

This act further specially provided for the election of a Delegate to the House of Representatives, with the same rights and privileges exercised and enjoyed by the Delegates from the Territories of the United States, and he became ex officio a member of the Committee for the District of Columbia.

It will serve no good purpose to go into the details of the history of the administration of the affairs of the District during the operation of this law. Suffice it to say that the board of public works, under the authority vested in it, adopted elaborate plans of public improvement at a total estimated cost aggregating over \$6,000,000, one-third to be assessed upon private property according to the benefits conferred by such improvements; but while the original plans provided for the expenditure of over \$6,000,000, the board of public works entered into contracts involving an expenditure of over \$12,000,000 in excess of this sum. The District became bankrupt and the law of 1871 was repealed.

On June 20, 1874, a new law governing the District was passed. Under it, while the delegate then serving was permitted to continue for the term for which he was elected, the delegate was thereafter discontinued. Three commissioners were appointed, vested with all powers formerly exercised by the governor and the board of public works. They were forbidden, however, to make any contract or incur any obligations "other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, in the execution of existing legal obligations and contracts and to the protection or preservation of improvements existing or commenced and not completed at the time of the passage of this act."

The "organic law" of the District of Columbia was passed June 11, 1878, and with sundry amendments now remains in force.

Under its operation, the administrative authority in the District is vested in three commissioners appointed by the President and confirmed by the Senate. They are also clothed with legislative authority in purely local matters. The judicial officers in the District are also appointed by the President and confirmed by the Senate. Under this law the citizens of the District are without any voice whatever in either local or National Government.

Briefly stated, the foregoing résumé of the history of the District shows four different periods, each with its own plan of government. During the first period, that part of the District coming from Virginia was governed by Virginia laws and that part of the District coming from Maryland by Maryland laws.

During the second period, the government was vested a portion of the time in a mayor appointed by the President and a council elected by the people and a second chamber of five members chosen by the council. During the rest of this period and continuing until 1871, the District was controlled by a board of eight aldermen elected biennially and a board of common council elected annually and a mayor chosen by joint ballot of the common council and board of aldermen.

During the third period, the District had the Territorial form of government, consisting of a governor appointed by the President, a legislative assembly composed of a council and house of delegates. The council were appointed by the President and the house of delegates elected by the people. A delegate was provided for to represent the District in the House of Representatives.

The fourth period began with the organic act of 1878, and is now in operation with a board of three commissioners appointed by the President.

Of course, the government of the District could not continue to be operated and to progress under the laws of Maryland and Virginia. As the District was formed for the seat of the National Government, your committee can understand why the people within the District might not, if given full and complete control, administer its affairs on a scale sufficiently national either to meet the requirements of the Government itself or of the American people. Because of this fact it is believed that the municipal form of government as it existed prior to the year 1871 did not meet the national requirements, and the Territorial form of government between 1871 and 1878, because of its extravagance and lax administration, met neither the

approval of the people of the District locally or of the people of the country at large.

While sound governmental policy would seem to suggest that the National Government should have control of the District rather than that the District should have control of the Government buildings and property within the District, we believe there is no valid reason why the people of the District should not have some voice in the National Government, as well as those who are living outside of the District and in other sections of the country. The United States is a representative Government. Congress meets in the Capital. Senators and Representatives come yearly to perform their legislative duties, refreshed by contact with their home people, and because thereof better able to represent their views. Each of their constituents is a sovereign citizen; he is a part of the Government, State and National; he has a voice in the selection of his officers and, either directly or indirectly through his representatives, makes and enforces all laws, State and National, affecting life, liberty, and property. But here in the District of Columbia, in the Capital of our country, in the shadow of the very dome of the Capitol itself, where our Chief Executive lives, and where sit the greatest court in the world and the two branches of Congress, controlling the affairs and the destinies of a hundred millions of people, live nearly 400,000 American citizens whose life, whose liberty, and whose property are under the absolute control of the Executive, the Congress, and the judiciary, without any right to vote or to participate in the making or administration of the laws under which they live and move and have their being.

More American citizens live in the District of Columbia than in any one of the States of Nevada, Wyoming, Delaware, Arizona, Idaho, or New Mexico, yet Senators and Congressmen have waxed eloquent in their demands that Territories subject to the control of the Federal Government shall have statehood and that our foreign possessions may have independence so that they may work out their own destinies. Is it possible that a Congress of a sovereign people will continue to insist, as they have insisted, that all the people of our island possessions shall have a voice in their own government and yet deny this sacred right to the nearly 400,000 people who live within the District of Columbia? The control of the Czar of all the Russias over his subjects is not more complete than is the jurisdiction of our Government over the people of this District.

Argentine, Brazil, and Mexico have copied our Constitution and form of government. They have Federal districts for their respective capitals similar to the District of Columbia, but the people in those districts are given the right of representation in Congress.

It is in no sense a disrespect to the Members of either House of Congress to say that they have a more personal interest in the affairs of their respective States or districts than they have in the District of Columbia. As a consequence, there is not that personal touch between the District and the Congress that exists between the Congress and the people of the several States or districts.

The pending measure, if passed, gives to the citizens of the District only the right to elect a delegate to the House of Representatives who may, on the floor, represent its citizens and present their cause without the right to vote. It gives them only the same right in national legislation that the people living in the Territory of Alaska

now have. If the people of Alaska have the right to be thus represented, by what process of reasoning can the people of the District be denied the right? Are they less patriotic or less intelligent than the people of Alaska or the people of our own States? Have they less so much of civic pride that they do not deserve to share in working out the political destinies of a great people in which they are so much interested and a part of which they are? May we ask those who oppose this legislation, are they willing to have laws enacted for their own constituents which will shear them of their political status and leave them with no greater share in their government, local or national, than the people of this District now have? How many of them are willing to say "We will consent that our States or our Districts shall be controlled by a Congress composed of men elected by other States and other Districts," and deny themselves the right of representation in Congress? If Senators and Congressmen are not willing to surrender these rights, how can they consistently deny to nearly 400,000 of their fellow citizens living in the District the right of representation on the floor of the House of Representatives?

Some men oppose all representation for the District in either branches of Congress, because, it is said, that when the District had local self-government it was not properly administered. We grant that this may be so, but who will rise up and say that since the people of the District have been denied representation the burdens of government have been equally distributed, its blessings properly bestowed, its affairs properly administered, its poor sufficiently cared for, or that its slums have been wiped out? To what greater or better extent has municipal government prospered here than in other cities which are self-governed? The majority of the committee recognize that the status of the people of the District is different from that of any other portion of the country, because it is the site of the National Government, and it is and always will be the principal institution in the District. As a consequence, any legislation on the subject should have a national rather than a local aspect, and if it were a choice between a purely local government as controlling the District and all its institutions therein, or one purely national, the committee would prefer the latter, but it is not denationalizing the District to allow its citizens to participate with the rest of the people of the Nation in the government of the District itself. To that extent it helps to nationalize the significance of the District. It helps to popularize government. It will wipe out the inconsistencies in our institutions of having a nonrepresentative people in the very shadow of a representative Government.

The writer only regrets that the bill does not go further.

#### QUALIFICATIONS OF ELECTORS.

Section 3 of the bill defines the qualifications of electors as follows:

SEC. 3. That all citizens of the United States, twenty-one years of age and over, without regard to sex, who are actual and bona fide residents of the District of Columbia, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for thirty days next preceding the election in the precinct in which they vote, and who shall be able to read the Constitution of the United States in English and write their own names, shall be qualified to vote in all elections held in the District of Columbia: *Provided*, That no idiot or insane person or persons convicted of a felony shall be

entitled to vote. Temporary absence from the District shall not affect the question of residence of any person, provided the right to vote has not been claimed or exercised elsewhere.

By the law of May 3, 1802, the right of suffrage was limited to free white male inhabitants 21 years of age.

By the act of 1848 it was limited to all free white males of 21 years of age who were subject to and who had paid their taxes.

By act of January 8, 1867, the right to vote was extended to all male persons above the age of 21 who had the right to vote in the District without distinction on account of color or race.

By act of February 21, 1871, the right of suffrage was exercised by all male citizens over 21 years of age.

At present, the right of suffrage does not exist in the District. Congress alone has the sole power to confer it within the District and upon such terms and conditions not inconsistent with the Constitution as in its wisdom it may determine. There is no other way under the Constitution whereby to bestow this right.

The majority of the committee believe that it should be granted to both men and women alike who have continuously resided in the District for a period of one year, and who have continuously resided in the precincts in which they vote for 30 days and who meet the following qualifications: That they may be able to read the Constitution of the United States in English and write their own names.

#### ELECTION MACHINERY.

The bill clothes the Commissioners of the District with the powers of an election board and adopts the Australian method of voting which prevails in many of the States.

