A Capital Conundrum:

Examining the Roles of Race and Partisanship

In the District of Columbia Voting Rights Movement

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Abstract

This thesis investigates the roles that race and partisanship have played in the Congressional debates over voting representation for the District of Columbia over the past fifty years. While D.C. residents accept that these two factors have had a significant presence in the failure to achieve Congressional voting representation, I examine the Congressional Record to identify traces of race and partisanship over time. This study provides both qualitative and quantitative examinations of four periods: the 1960 Twenty-Third Amendment, which granted District residents the right to vote for president; a failed 1978 Constitutional Amendment to grant equal voting rights in Congress; and the 2007 and 2009 District of Columbia Voting Rights Acts, failed measures to provide the District one voting representative in Congress. These four efforts represent four moments when the discussion of District representation made it to the floor of Congress for an extended length of time in the past one hundred years.

A textual analysis of the relationship between the poll tax and D.C. suffrage in the debates over the 1960 amendment reveals the level of association between these two racialized topics. A study of the partisan breakdown on the votes on Congressional passage and roll call votes establishes a more quantitative portrait of the increasing influence of political polarization over time. Finally, I borrow from and expand upon the study of implicitly coded racial references and apply this methodology to the Congressional Record from these four periods. Such a novel application of this method to the Congressional discussions on extending the franchise to D.C. finds the small but continual presence of racially-coded words, predominantly from supporters who tied the issue to broader black enfranchisement movements. The findings better situate the District in the context of other national and international suffrage movements.

Table of Contents

Chapter 1: A Capital among Capitals

The District of Columbia is not just any capital of any country. It is not just the capital of the free world, not just "Chocolate City,"[1] and not just a home for bureaucrats and politician. As the first planned city, it was created to be the federal district where the government of America would reside. It was a city that was accorded a special status in the Constitution, and a city whose special status has caused controversies and paradoxes for over two hundred years.

What, then, is this special status, and how did it come to be? The short answer may be found in the Constitution. Article 1, Section 8 provides the following:

> "To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States."

This section grants federal control over this new capital district. More importantly, Article 1, Section 2 states:

> "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

Traditionally, these clauses have been interpreted to mean that only states may have senators and representatives in Congress, thus excluding the federal capital. But the District's origins reveal a story more complex than that simple setup.

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[1] Kenneth Carroll, "The Meanings of Funk," *The Washington Post*, February 1, 1998, http://www.washingtonpost.com/wp-srv/local/longterm/library/dc/dc6898/funk.htm.

In 1800, Maryland and Virginia ceded land to form the new nation's capital. At the time, the land encompassed several small towns, including Georgetown and Alexandria, in addition to the nascent city of Washington. As the city Washington expanded, it incorporated these distinct communities, forming a congruent territory that encompassed both Washington and the District. Later, in 1846, the District retroceded the land on the other side of the Potomac back to Virginia.

Like the borders of the District, voting representation in the District has shifted over the past two hundred years. At the District's birth in 1790, residents of the new capital did not immediately lose the right to vote; they continued to vote in their former states, Maryland and Virginia. In 1801 Congress passed the Organic Acts, which "provided for governance of the nation's capital but which contained no provision for District residents to vote in elections for the Congress that had the 'exclusive' power to enact the laws which would govern them."[2] With this act, Congress revoked District residents' ability to vote in their former states without providing an alternative means of representation.

Over the past two centuries, bills have been put forth supporting one or more of many causes—statehood, retrocession, home rule, and voting representation in Congress. Most of these bills died in committee or earlier. In the past hundred years, Congress moved forward with home rule, and since 1973 District residents have elected their own mayor and city council, and, for the most part, have the ability to pass their own laws.[3] However, they still lack voting representation in Congress. The District currently has one non-voting representative in the House, Eleanor Holmes Norton, who, depending on the term of Congress, has sometimes been allowed to vote in committee.

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[2] Statement of the American Bar Association submitted to the Subcommittee on the Constitution Committee on the Judiciary on the subject of H.R. 5388, The District of Columbia Fair and Equal House Voting Rights Act," *American Bar Association*, September 15, 2006, http://www.americanbar.org/content/dam/aba/migrated/poladv/letters/electionlaw/060914testimony_dcvoting.authcheckdam.pdf, 3.

[3] Charles W. Harris, *Congress and the Governance of the Nation's Capital: The Conflict of Federal and Local Interests* (Washington, DC: Georgetown University Press, 1995).

D.C. residents are an opinionated bunch. Growing up in the District, I hear often contradictory explanations as to why D.C. has not gained voting representation in Congress. I hear residents complaining that it is related to the demographics of the city, the public's and Congress' apathy, its small geographical size, the corruption level, the socio-economic status, and the partisan makeup. Is there any truth behind these claims? Does D.C. residents' perception match up with reality? As Senator Edward Kennedy (D-MA) pithily put it, it is due to the "four too's: that the District is "too black, too liberal, too urban, and too Democratic"[4]? This thesis will consider the "four too's," and focus on one specific strain of the D.C. voting rights movement in relation to race and partisanship: representation in Congress. What role do race and party politics play in the debates, and do these arguments have greater prominence in one period than in the other?

Even if Congressmen were not fully forthright in their reasoning for opposing these efforts, what do their stated opinions show about their views towards the voting rights issue? What does the language that Congress use reveal about implicit associations with race and partisanship, and what do Congress' roll call votes on amendments to bills reveal about their true opinions? Finally, once I will have established the reasons opponents reject voting representation in Congress for the District, I can answer an essential question: does the local perception of the lack of voting rights reflect the reality we see in Congress?

I will put forth and test my own theory: I hypothesize that, as race-related reasons have waned, partisanship has more heavily influenced the opponents of District enfranchisement. That is, opponents in Congress used race-related reasons in their discourse frequently in 1960, less so in 1978, and very little, if at all, in 2007 and 2009. Following the same pattern, I expect this language to have been replaced with partisan-related discourse over the four periods of

[4] Mark D. Richards, *Hope and Delusion: Struggle for Democracy in the District of Columbia* (PhD diss.), The Union Institute, 2001.

legislation. I also hypothesize that the votes on the legislation have become more polarized in terms of political party over the time period.

Although only D.C. residents might consider this issue as important as other equality issues, it also should resonate with readers from the fifty states, as well as citizens of other countries, who may look to America as a model of democracy. An examination of D.C. voting rights efforts provides an often-overlooked insight into a fuller picture of American democracy. America is the only nation where only the residents of the nation's capital completely lack representation in government, and this issue highlights an incongruity that is at the heart of representation in America. Unlike other notable former disenfranchised groups, who in the past have been denied political representation based on a physical characteristic, it is geography that sets Washington, DC apart. In the same way that other groups have fought for voting rights throughout the course of American history, D.C. residents are in the process of doing the same, and are in this way connected to the legacy of the fight for political representation.

In addition to Congressional voting representation, D.C. residents have also considered other paths to ending disenfranchisement. Campaigns for retrocession to Maryland, statehood, and home rule have also caused controversy and garnered support over the years, and while these solutions an integral part of the D.C. voting rights effort, they are distinct from the issue at hand here: voting representation in Congress. This problem has perhaps had the most attention of the lot, since many of the D.C. voting rights efforts fall back on one simple slogan, "Taxation without Representation"—a rallying cry that harkens back to the American Revolution.

Voting representation is also one of the thorniest—and most interesting—issues, since it would affect the rest of the country and possibly redefine what it means to be a member of Congress. Adding two senators and one representative for the District would necessarily

decrease the sway of the rest of the country's members of Congress. The inclusion of members of Congress from the District would also mean that not all members of Congress would call a state home, as Article 1, Section 2 dictates.

This thesis gets to the heart of another irony: the very body that has the power to decide the fate of District of Columbia representation—Congress—specifically excludes the District from having a say in that decision. While there are many ways of considering this topic, the focus on Congressional policy highlights the District's exclusion from a say on the legislation. Within the issue of voting representation in Congress, I narrow my focus to four specific bills and Amendments that garnered much press at the time. The first was the successful 1961 Amendment that gave D.C. residents three votes in the Electoral College, which allowed them to vote for president. Although it may seem that this Amendment has nothing to do with D.C. voting representation in Congress, the Amendment is in fact a whittled-down version of a more comprehensive bill that would have included voting representation for the District in the House and Senate. What does it say about this Amendment that only the provisions for voting in presidential elections remain?

The period from 1978 to 1985 represents the lifespan of another Amendment, which passed Congress but, unlike the Twenty-Third Amendment, did not pass three-fourths of the states. Had it passed, the District would have gained two senators and proportional representation in Congress, as if the District were a state. In the end, only sixteen state legislatures ratified the proposed Amendment, and the legislation died when it expired in 1985. Why did it die, and what contributed to its failure?

Two additional bills did not go as far. These two, in 2007 and 2009, would have accorded the District one voting representative in Congress but did not include a provision for two

senators. As well as these two, there have been several other failed bills that did not make it as far as these two. Unlike the 2007 and 2009 attempts, all other bills concerning voting representation in Congress did not make it past committee, whereas these four attempts—in 1961, 1978, 2007 and 2009—are the four moments in history when Congressional voting representation was discussed on the floor of Congress, when a real chance of passage existed.

The purpose of this thesis is not to answer definitively why the 1961 Amendment passed in its final form and why the other three failed; the change in the legislation, members of Congress, circumstances and context is too great. Instead, my goal is to examine the role of race and partisanship in the context of these four pieces of legislation by identifying the opponents' and supporters' reasoning and votes during the four periods.

Chapter Two lays out an abbreviated chronology of the lifetimes of the four bills as well as the relevant context for each of these periods, demographically and politically. Chapter Three presents an overview of the scholarly literature on the history and scholarly findings on D.C. voting representation, and explains more thoroughly how the situation developed to the present day. I will also establish here the gaps in the literature and the niche I carve out. In Chapter Four, I conduct a textual analysis of the 1960 Congressional floor debates to determine whether—and which—members of Congress associated other racialized topics of the era to District suffrage. Chapter Four examines the Congressional voting record, looking at the change in party polarization in the votes on passage and votes on amendments to the bills. Chapter Five presents my findings in the application of coded language methodologies to the debates on the floor of Congress for the four pieces of legislation Chapter Six puts forth my findings using the roll call methodology of counting changing votes on amendments to the bills, and analyzes the findings with this technique. In Chapter Seven, I synthesize my findings and analysis of the changing

presence of race and partisanship over time. Here, I also discuss the implications on the meaning of American democracy, and I also suggest avenues for future research on voting representation in the District of Columbia, race, and partisanship.

Chapter 2: A Short Congressional History of District of Columbia Voting Representation

To better appreciate the subsequent chapters, it is necessary to first have an understanding of the congressional history of the amendments and bills at hand. This section provides a detailed timeline of events that took place during the relevant time periods: 1960, 1978, 2007 and 2009, and charts the histories of these bills as they passed through Congress. The four bills and amendments studied in this thesis constitute the major Congressional attempts to rectify the disenfranchised status quo that was and still is the District of Columbia, and knowledge of their chronologies allows for an essential understanding of what may have occurred behind the scenes by parsing the allusions, implicit and explicit meanings and votes of these senators and representatives from the four time periods.

The Twenty-Third Amendment

To start off, the Twenty-Third Amendment charted a convoluted path. Originally the purpose of the bill could not have had less to do with the enfranchisement for the District of Columbia. As it made its way from committees to the floor to the House to committees and hearings again, its very nature transformed—so much so that it became unrecognizable to its original author. Although it entered the Constitution as part of the mid-twentieth century "wave of democratizing Amendments" (along with the Twenty-Fourth and Twenty-Sixth), initially it

emerged as a result of a different era: it was produced by a period of "Cold War hysteria."[5] A decade marked by the Bay of Pigs, Sputnik, and mutually assured destruction "led some members of Congress to ruminate on what would happen to their institution should the capital come under nuclear attack—specifically, how would members of the House of Representatives be replaced?" The result: Democratic Senator Kefauver of Tennessee proposed an amendment authorizing "state governors to appoint temporary representatives until a new election could be arranged."[6]

As the bill jostled from committee to committee, and from the House and the Senate, some incongruous (or so claimed the opposition) amendments were tacked on. The first of these was Senator Holland's (D-FL) amendment abolishing the poll tax. Republican Senator Keating of New York caught this amendment fever and added an amendment that would enfranchise the residents of the District of Columbia on February 2, 1960. His proposal allowed for a proportional amount of electors for President and Vice President, and proportional (but nonvoting) representation in the House, so that the District would be treated "as if it were a state" to an extent.[7] Eventually, "the ensuing legislative maelstrom combined Kefauver's, Holland's and Keating's suggestions into an omnibus proposal that also would have given residents of the District of Columbia representation in the House" only.[8] It was in this form that the Amendment passed the Senate 63 to 25, 12 not voting.

As the amended bill traveled through the annals of Congress, it lost its original content: the governor vacancy bill and the poll tax ban prongs fell by the wayside, as did Keating's amendment, only to be replaced by a similar House proposal that was far more limited in scope.

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[5] Richard B. Bernstein, *Amending America: If We Love the Constitution So Much, Why Do We Keep Trying to Change It?* (Lawrence: University of Kansas Press, 1995), 136.
[6] Bernstein, 136-137.
[7] Bernstein, 137.
[8] Bernstein, 137.

The House version, proposed by Democrat Emmanuel Celler of New York, did not contain the provisions for representation in the House, but instead only included electoral votes for the District of Columbia, no more than the number of electoral votes of the smallest state.

Originally, the amendment gave the District representation in the House proportional to its size (three representatives) and five votes in the Electoral College.[9] Kyvig and other scholars argues that pragmatic Celler thought that the omnibus proposal had no chance of passing through the House of Representatives,[10] and on June 14 the Senate replaced the original amendment with Celler's narrower version, with the promise that the poll tax would be considered in the next Congressional session. It was in this form that the Amendment passed both houses of Congress and was ratified by thirty-eight of the fifty states (Arkansas was the only state to reject the Amendment). As an aside, the abolition of the poll tax became the Twenty-Fourth Amendment in 1964, after having survived a lengthy filibuster in Congress and having been rejected or ignored by all the states of the former Confederacy.

The 1978 District of Columbia Voting Rights Amendment

The story of the District of Columbia Voting Rights Amendment is more straightforward than that of its predecessor. In 1978, Representative Don Edwards (D-CA) introduced the District of Columbia Voting Rights Amendment to the 95th Congress.[11] This Amendment would resolve the question of representation for the District in Congress by treating it as if it were a state: providing two senators and proportional representation in the House. The District's delegate, Walter E. Fauntroy, had introduced earlier proposals of the same nature in 1972 and 1976, but these failed to make any headway.[12] Both houses of Congress approved it (the House

[9] Richards, 219.
[10] David Kyvig, *Explicit and Authentic Acts: Amending the U.S. Constitution, 1776-1995*. (Lawrence: University of Kansas Press, 1996).
[11] Eugene Boyd, "District of Columbia Voting Representation in Congress: An Analysis of Proposals," *CRS Report for Congress*, 2007: 6.
[12] Ibid.

by a healthy margin of 127 votes Senate with a margin of 35 votes), and it was sent to the states. There, it floundered. With a 1985 expiration date, only sixteen states ratified it in time, one (Tennessee) did not ratify it, and the rest ignored it.[13] By 1985, its deadline for ratification, far fewer than the three-fourths of the states needed for passage had ratified it, and it expired.

The 2007 and 2009 District of Columbia Voting Rights Acts

Thirty years later, the 2007 and 2009 Voting Rights Acts had a much more limited goal: to add one voting representative in Congress for the District. The content and text of the legislation in 2007 and 2009 was almost entirely the same. In 2007, Rep. Tom Davis (R-VA) and delegate Eleanor Holmes Norton (D-DC) submitted legislation that would create one voting representative for the District in the House, paired with one at-large representative in Utah. Moving onto the Senate, the bill passed through the Senate Committee on Homeland Security and Governmental Affairs with bipartisan support. In the Senate, however, Minority Leader Mitch McConnell (R-KY) led a filibuster which ultimately killed the bill.[14] This bill had gotten farther than any other since the 1978 Amendment, and the momentum did not die there. In 2009, Norton introduced verbatim legislation and Senators Lieberman (I-CT) and Hatch (R-UT) did the same in the Senate. Senator John Ensign (R-NV) wrote and the Senate passed an amendment that vastly curtailed the District's ban on guns, and with this amendment intact, the legislation passed the Senate on February 26, 2009.[15]

Retrocession: A Primer

Certain trends crop up in proposed amendments that members of Congress voted on in roll call votes, some of which were self-explanatory, and some of which need to be prefaced.

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[13] Ibid.
[14] "DC Voting Rights Act," *DCVote.org*, http://www.dcvote.org/advocacy/dcvramain.cfm#.UVvG_RysiSo.
[15] Ibid.

Retrocession to Maryland is one that requires context. Retrocession to Maryland crops up as a perennial alternative to District suffrage. By way of amendment, sometimes members of Congress suggest an alternative to giving the District voting representation in Congress: retrocession, or returning the non-federal land to the state of Maryland.[16] These proposals are not without their detractors and controversies: while it is easy to see the argument that this neat solution avoids constitutional battles based on the theory that "District citizens should be allowed to vote in the State of Maryland, based on their 'residual' citizenship in that state," many District residents—who are majority liberal—oppose this measure.[17] They often call it a cop-out, because it serves as a way to solve the problem of District disenfranchisement without adding two likely Democratic senators and representatives. Since the District is overwhelmingly Democratic, this solution would add one more (presumably Democratic) representative but not two more Democratic senators.[18]

An Abridged Demographic and Political History of the District

Since a key hypothesis I test is the role of race and partisanship of the District, it is necessary to first establish the demographic and political changes in detail. In 1960 the population of D.C. was 762,000, greater than the population of thirteen states.[19] The 1970 census recorded a population of 750,000, greater than the population of ten states at the time.[20] By 2009, the population was 601,000, bigger than the population of just one state, Wyoming.

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[16] The Constitutionality of Awarding the Delegate for the District of Columbia a Vote in the House of Representatives or the Committee of the Whole, *CRS report for Congress*, January 24, 2007, http://www.policyarchive.org/handle/10207/bitstreams/3092.pdf.
[17] Ibid.
[18] Michael Janofsky, "A Plan to Put Washington in Maryland," *The New York Times*, February 7, 1996, http://www.nytimes.com/1996/02/07/us/a-plan-to-put-washington-in-maryland.html.
[19] "Selected Historical Decennial Population and Housing Counts," *U.S. Census Bureau*, http://www.census.gov/population/www/censusdata/hiscendata.html.
[20] "Why Ratify—A Message from the Men and Women of the District of Columbia," The Ratification Campaign Committee, 1979, http://www.dcvote.org/trellis/struggle/statelegreport1979.pdf, 5.

Racially, the District has undergone a considerable shift in the past fifty years. 2011 marked the first time the black population dipped just under 50 percent in fifty years.[21] Whites, by contrast, accounted for 39 percent of the population.[22] In 1970 the District had the largest black majority in its history, at 71 percent.[23] And in 1960, the white and black populations of the District were not that far apart in size.[24] From 1950 to 1960 the black population increased 46.6 percent, from 280,000 in 1950 to 411,000 in 1960.[25] This increase was made all the more stark by the decline in the white population, from 517,000 in 1950 to 345,000 in 1960.[26]

In terms of the Republican-Democratic divide, the city has shifted as well. It is difficult to discern the partisan breakdown in a city that did not have the vote, and one can apply several measures that give contrary results. When District residents voted for president for the first time in the 1964 election, 90 percent went to the polls, the highest in the country.[27] 86 percent voted for the Democrat, Lyndon Johnson, and just fourteen percent for Republican Barry Goldwater.[28] This trend wavered slightly over the years, but the Democratic Republican breakdown stayed within twelve points of 80/20 from that point on, until 2008, when only 6.5 percent voted for the Republican candidate, John McCain, and an overwhelming 92 percent voted for Barack Obama.[29] The presidential election results indicate that the partisan divide in the District was and is strong, and also that it had not changed significantly over the years. Yet other sources show that the political demographics had drastically changed over the half-century. According to Charles Vose, there were approximately 24,000 Democrats and 21,000 Republicans voted for

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[21] Sabrina Tavernise, "A Population Changes, Uneasily," *The New York Times*, July 17, 2011, http://www.nytimes.com/2011/07/18/us/18dc.html?pagewanted=all.
[22] U.S. Census.
[23] Tavernise, "A Population Changes."
[24] Peter Tatian, "Demographic Changes in Washington, DC: Taking the Long View," MetroTrends, March 29, 2011, http://blog.metrotrends.org/2011/03/demographic-change-in-washington-d-c-taking-the-long-view/.
[25] Anthony J. Thompson, "The Story of the Twenty-Third Amendment (senior thesis, University of Princeton, 1965), 20.
[26] Ibid.
[27] Ben Bagdikian, "The Five Different Washingtons," *Washington: A Reader* (Bill Adler ed.), New York: Meredith Press, 1967, 269.
[28] "United States Presidential Election Results," Atlas of U.S. Presidential Elections, http://uselectionatlas.org/RESULTS/.
[29] "City Wide Turnout," District of Columbia Board of Elections, 2013, http://www.dcboee.org/election_info/election_results/election_result_new/results_final_gen.asp?prev=0&electionid=2&result_type=3.

convention delegates—not quite an even split, but close enough that either party might try to win the District, should it get representation in 1960.[30] This indicates a sharp change from today's demographics; in 2009, 75% of District residents were registered Democrats, and 7% Republican.[31] Whether slightly or drastically, it is undeniable that the District has become more liberal over the past half-century.

This partisan and racial demographic information becomes relevant in the subsequent chapters when members of Congress reference these topics, either implicitly or explicitly. These numbers may also correlate to voting breakdown outcomes, as some scholars—many of whose theories have been elucidated in this chapter—attest that the relationship between the demographics of the District and its voiceless status is not by chance.

[30]Clement E. Vose, "A Tale of Two Cities: When District of Columbia Representation Collides with the Constitutional Amendment Institution," *Publius* 9(1979): 105-125, 116.
[31] District of Columbia Board of Elections, 2009, http://www.dcboee.org/voter_stats/voter_reg/2009.asp.

Chapter 3: D.C.: Loved by Tourists, Forgotten by Scholars

Scholarly Interpretations of District of Columbia Voting Rights

Two senators and a representative for the District of Columbia: the prospect strikes many newcomers to the issue as odd and unfathomable. Scholars have weighed in on a variety of aspects of the District of Columbia voting rights issue: constitutional and legal; moral and ethical; and feasible and practicable. Although scholars have researched and explored the reasons behind decisions over D.C. voting representation in Congress, these tend to be tangential points to their larger arguments about the constitutionality or efficacy of one particular solution. Jeffrey Dodd lays out the problem in his roundup of options for D.C.: without favoring one side or another, he demonstrates that scholars have been divided over the reasons behind the failure of voting representation efforts for the District.[32] Is it due to the intrinsic flaws in the bills and amendments themselves, as well as Constitutional obstacles, as Judith Best argues? Does it relate to apathy, as Edward Meyers claims? Or to some other reason?

Like many scholars before him, Dodd weighs the pros and cons of several different solutions—from retrocession to Maryland to proxy voting in Maryland to statehood to representation in Congress—and ultimately comes out in favor of the last, because "it would not only provide effective representation in both Houses of Congress, but it would also preserve the District's separate and independent political status."[33] Dodd's work exemplifies what many past scholars have done: evaluated the achievability of these solutions, and decided which one they

[32] Jeffrey Dodd, *"Curing Disenfranchisement in D.C." Law and Society Review at UCSB 3(2004):*11-27.
[33] Ibid., 22.

favored the most. In evaluating the possibilities, scholars tend to take into account the reasons some members of Congress and other forces have opposed such legislation, but very rarely do they document the origins the reasons for opposition or determine whether these reasons have been assumed or even exist at all.

Scholars have considered District suffrage from a number of perspectives, and this chapter categorizes them into the following groupings: the historical and sociological dimension; the constitutional dimension; the local dimension; and the public opinion dimension. Within each a category, I emphasize the tension and presence (or lack thereof) of race and partisanship.

A Historical and Sociological Perspective

Mark David Richards' 2001 sociology PhD dissertation takes a qualitative, comprehensive look at both the history of the District's struggle for democracy, as well as proposals for representation. He qualitatively analyzes the history in an attempt to answer the question: "why [do] citizens of the District of Columbia hold a second-class political status in contemporary America"?[34] He centers on "the nature and quality of democracy" in the District as well as "the perspectives…of the District elected officials and citizens and their relationship to Congress,"[35] and, most significantly to this thesis, "the factors contributing to District citizens' inability to fundamentally change their status."[36]

Having determined that the Founders never meant for the District to be disenfranchised, he proceeds with a discussion of the history of efforts for enfranchisement, starting at the moment the District was created as part of the Compromise of 1790. He further documents the perpetual discontent of District residents and shows that the movement for representation and home rule is by no means a new one. Rather, residents have disputed their status since the

[34] Mark David Richards, "*Hope and Delusion,"* 8.
[35] Ibid., 7.
[36] Ibid.

beginning. Through a narrative analysis, Richards hints at the underlying reasons behind the continual disenfranchisement, but, as this is not the central argument of his thesis, he does not point fingers outright. Rather, he accounts for the ups and downs in the D.C. voting rights struggle.[37]

Richards offers the reasons behind the failures of the attempts to gain voting representation in Congress: he asserts that "[t]he issue of political equality for the District of Columbia should not be partisan, racial, or about special interests. But the history shows that D.C.'s ability to achieve political equality relates to all of these."[38] When describing the pre-Civil Rights era, he notes that "[f]or years, despite American public support, southern segregationists blocked Congressional Home Rule bills."[39] Although his overall focus is often on home rule as opposed to Congressional representation, as in this case, he uses opposition to the home rule bill of 1973—granting the District limited self-government—as an example of the connection between the racial views of the Congressmen and their voting records concerning the District. He cites the *Washington Post* op/ed columnist Colbert King, who recalled at the time "that never did the issue of distrust of a majority black electorate openly surface in either house."[40] This quotation would imply that race had little to do with the issue at the time, but Richards makes no definitive assertion on this one way or the other.

In Richards' historical analysis of the Keating-Randolph Amendment—the eventual Twenty-Third Amendment—he notes that that "all border and southern states (with the exception of Tennessee) refused to ratify the amendment."[41] Richards concludes that the issue was

[37] Ibid.
[38] Ibid., 76.
[39] Ibid., 78.
[40] Ibid.
[41] Ibid., 220.

consequently influenced by factors of race, and a scholar he cites, Steven Diner, goes even further, calling it "explicitly racist."[42]

On partisanship, Richards points out that President Nixon, along with Truman, Eisenhower, Kennedy and Johnson, all supported voting rights and home rule for D.C. residents, indicating that this was not always a divisive partisan issue.[43] However, whether this means partisan politics played a role in the debates in committee or on the floor of Congress—as opposed to the executive branch—it is not possible to know for certain. As for the failed 1978 Amendment, he mentions the support of such prominent Republicans such as Barry Goldwater, Robert Dole and Strom Thurmond to imply that that their votes were nonpartisan because they considered it to be "a simple matter of American democracy."[44] Although Richards again indicates that partisan politics were a nonissue at the time, he includes key quotations from such senators as Larry Williams (R-MT), who said, "All we need in the federal government is more liberal Eastern urban senators and congressmen to tell Montanans how we ought to live and think."[45] Despite the fact that a significant number of Republicans voted for the Amendment, Richards' sociological approach reveals underlying cultural differences that explain the dislike for the amendment. The east-west divide is one of these.

Richards' section entitled "Why D.C. has not gained political equality" discusses other roadblocks to District voting rights outside of race and partisanship. Through polls that demonstrate the high level of public ignorance on the issue, he suggests that there has not been enough public pressure, resulting in "little incentive to change the status quo."[46] He points out that momentum for change increased during the Cold War, as "Presidents Truman, Kennedy,

[42] Richards, *"Hope and Delusion,"* 141; Steven J. Diner, *Democracy, Federalism and the Governance of the Nation's Capital: 1790-1974*, (Washington, DC: University of the District of Columbia, 1987).
[43] Richards, *"Hope and Delusion,"* 220.
[44] Ibid., 221.
[45] Ibid., 222.
[46] Ibid., 295.

Johnson, and Nixon all viewed the contradiction…as a propaganda threat of the Soviet Union," which could argue that the U.S. was not as democratic as it seemed.[47] Later, as the threat of the Cold War died down, he implies that it became a more partisan issue by showing that the presidents were divided on the issue based on party lines, but he does not dig deeper than this.[48]

Since Richards' approach is a sociological and historical one, he does not search out explanations for the progression of historical events. Yet while such assertions are likely valid, he does not connect the dots in a salient way. By simply relying on their voting records as evidence for the reasons behind their opinions, his method leaves space for doubt as to what went on in these Congressmen's minds and thus raises questions of validity. Richards' qualitative analysis of race, partisanship and other factors provides a narrative history of the District both in and out of a Congressional context. The quotations he excerpts likely illustrated the atmosphere at the time, yet his qualitative approach leaves room for a more systematic examination of the Congressional Record, suggesting future avenues of research for the reasons behind the way the events turned out. One could expand upon his research by taking a more systematic approach and including a comprehensive review on the votes and speeches of the members of Congress at the time in order to demonstrate that the portrait he presents accurately represents the events.

A Question of Constitutionality?

In terms of the constitutionality of D.C. voting representation in Congress, constitutional law scholars Judith Best and Jamie Raskin are at odds with each other: They arrive at opposite conclusions on the question of the constitutionality of D.C. voting rights legislation as well as the validity of racially- and politically-based explanations for and against the legislation.

[47] Ibid., 299.
[48] Ibid.

Raskin asserts that the Congressional disenfranchisement of District residents violates both the Equal Protection and Due Process Clauses because District residents are denied the franchise due to their geographical location and their majority race. His article systematically dissects each of the supposed Constitutional bases for District disenfranchisement and critiques the Constitutional fallacies in each one. Like many scholars before him, he cites Senator Kennedy's (D-MA) pithy accusation: that attempts to win representation through legislation will fail because of the "four too's": "too liberal, too urban, too black, or too Democratic."[49] Instead of determining the genuineness of these claims, he evaluates the constitutionality of them, concluding that none of the "four too's" are valid reasons for disenfranchisement. In the 1963 case *Reynold v. Sims,* the Court held that "the government may not weigh 'the votes of the citizens differently…merely because of where they happen to reside."[50] To this Raskin adds that the Equal Protection Clause demands no less than the same for citizens *"of all races"*[51]— implying that the District would have standing for a suit under both geography and race, because Raskin sees the issue as a racial one, too.

In relation to the question of both partisan politics and race, Raskin examines the Constitutional implications of these claims. He states that District disenfranchisement bears an "unconstitutional resemblance to political apartheid," and cites other cases in which political discrimination has been proven.[52] Citing past judicial cases, Raskin makes it clear that "[i]t is not necessary to claim that Congress has any official purpose or motivation to discriminate against the African American population in the District through disenfranchisement"[53] in order to prove that this instance of disenfranchisement violates the Equal Protection Clause. Yet clearly, he sees

[49] Jamin Raskin, "Democracy and Disenfranchisement in Washington, D.C.," *Human Rights Brief*, 6 (1999) and *Harvard Civil Rights-Civil Liberties Law Review, 34 (1999).*
[50] Ibid., 2.
[51] Ibid.
[52] Ibid.
[53] Ibid.

this claim as a true one. The U.S. Supreme Court has already ruled that the Equal Protection Clause applies to the District in regards to school segregation, but in terms of "one-person-one vote" the clause has not yet been ruled to apply to the District. To take it one step further, however, "[d]emonstration of a discriminatory purpose would be required to sustain a cause of action under the Fifteenth Amendment." Raskin stresses that no one has yet managed to do this:

> "To people who have spent their lives in the District, the racial subtext of political powerlessness in the city is so plain as to not even require elaborate explanation. Demonstration of a discriminatory purpose would be required to sustain a cause of action under the Fifteenth Amendment. Although it would not be impossible to make this showing, it would probably take a meticulous and as yet-unwritten history of race relations in America and the District to make such a claim convincing…Ultimately, the question of whether the unique disenfranchisement of the District population from congressional representation is racially motivated remains inscrutable."[54]

Here, Raskin juxtaposes the obviousness of the status quo to District residents with the difficulty establishing concrete evidence. His argument here encapsulates both the challenges of my research and the hole in the literature on this controversial topic. Through his focus on the Constitutional avenues for Congressional representation, he highlights this unstudied area of research and implies that race and politics may be potent factors in the never-fully-written history of D.C. voting rights. By preaching caution, he warns of the dual possibilities of either seeing racism where there is none or overlooking it because it is hidden. On party politics he stays silent, focusing instead on the political implications of race, rather than political demography itself. His view is that the government's discrimination against the District is racially-based, and not overtly partisan.

Whereas Raskin examines the broader question of giving the District voting representation in Congress through both legislative and Constitutional means, Judith Best studies in depth the proposed 1978 Twenty-Seventh Amendment to the Constitution. She concludes that

[54] Ibid.

it is not proper for the Constitution due to the ambiguity of its language, and that it is also unconstitutional, despite being a constitutional amendment. Best argues that it is *not* due to racism or partisanship that the Amendment has failed to garner much support, but rather the Amendment's own weaknesses have destined it for failure.[55] In her analysis she focuses on disproving the presence of racially- rather than partisan-based reasoning.

In her discussion of nominal statehood, Best highlights several flaws in the proposed amendment.[56] For instance, if the District were to be considered "as if it were a state" for the purposes of representation, what would happen in the case of passing Constitutional Amendments, since the District lacks a state legislature? She cites transcripts from debates on the House floor to show that the proponents of the amendment had no ready solutions to such questions.[57] Best even questions the constitutionality of the proposed Constitutional Amendment itself, since it seems to contradict other passages of the Constitution, such as Article V, which states that no state, without its consent shall be deprived of equal Suffrage in the Senate." Two senators and a representative for the District necessarily lessen the significance of the suffrage of other states. From this, Best argues that the amendment would need unanimity from the state legislatures, not three-fourths.[58] She makes it clear that "the end, to give national representation to the people of the District, is legitimate, but the means chosen by the proposed amendment are specifically prohibited."[59] The logistical and constitutional roadblocks she addresses demonstrates that she does not see race or partisanship as relevant factors.

Instead, Best addresses the normative side of the issue by tackling what it means to be a state in our federal system: she claims that the amendment would have changed the meaning of

[55] Judith Best, *National Representation for the District of Columbia*. (Frederick, MD: University Publications of America, 1984).
[56] Ibid., 27.
[57] Ibid., 30.
[58] Ibid., 43.
[59] Ibid., 47.

the republic itself: "from confederation to federal republic to simple republic," since states would no longer be the sole building blocks of the nation.[60] She argues that such a change would start a bad trend, allowing other political entities to clamor for political representation in Congress.[61] This conclusion demonstrates the political importance of the question at hand—the debate may expand beyond the District in the future. Although she does not deny that the status quo is unjust, she sides against voting representation in Congress, and weighs other solutions. After determining that the Founders' intent was to create a "special district, a sanctuary," [62] she concludes the Founders considered it an "'indispensable necessity' for the national government to control its own seat." Her finding that the Founders considered the loss of political rights contradicts Richards', who put forth that the Founders never intended for District disenfranchisement to occur. [63] However, her arguments about D.C.—as a "company town" of transients, whose representatives would always align with the interests of the federal government—reveals her support of one of the oppositional arguments without backing up the argument with substantial evidence. As Charles W. Harris will show in the next section, local and federal interests rarely align, and the District has its own interests and stable population apart from government workers.[64]

The Local Side of the Coin: Home Rule and its Relation to Voting Rights

To the contrary of Best's thesis, Charles W. Harris demonstrates that local and federal interests often conflict, and that this area of intersection provides a fertile ground for study. The power tension between local and federal interests influences the D.C. autonomy and suffrage

[60] Ibid., 52.
[61] Ibid., 57.
[62] Ibid., 17, 19.
[63] Ibid., 21-2.
[64] Charles W. Harris, *Congress and the Governance of the Nation's Capital: The Conflict of Federal and Local Interests* (Washington, DC: Georgetown University Press, 1995).

efforts; race and partisanship act as stumbling blocks to achieving self-determination goals.[65] Through specific case studies, he shows that there is a high level of federal interference in local affairs. He demonstrates that government involvement in purely local matters is profound and widespread, and highlights several examples of authority that overlap, from budgeting to height limits to public works projects.[66] Local interests win out when federal interests are divided, but that this is often not the case.[67] This evidence undermines the Rowat thesis, which calls local and federal conflict inevitable, and states that when a local authority has absolute control, it can overpower federal or national control of the region.[68] Through a qualitative examination of examples of federal involvement in local affairs, Harris concludes that the local government succeeds whenever the issue at hand holds little importance to members of Congress and in effect flies under the radar. When the federal government wants to use the District as a national example or as a microcosm of the rest of the country, however, the federal government often succeeds, especially when the federal interest is clear.

Some of the tension between local and federal interests derives from racial concerns. By parsing the term "local interests," such interests become indistinct: they may "be a mask behind which politicians' personal interests or electoral interests of particular constituencies hide."[69] The chasm between local and federal interests is not a new one. Rather:

> "Congressional mistrust of the local government has long been a factor in interventions throughout the current home rule era….This lack of trust probably originates from several different sources: two different levels of government are involved, and, although there are white and black members in both the national and local governments, the predominant racial makeup of the respective bodies is a likely source of mistrust."[70]

[65] Ibid., 265.
[66] Ibid.
[67] Ibid., 195.
[68] Ibid., 1.
[69] Ibid., 1.
[70] Ibid., 158.

Here, Harris implies that race plays a role—but what that role is, exactly, he does not say. However, he emphasizes the administration of Mayor Marion Barry, an African-American, who is also generally agreed to be one of the most corrupt mayors of the District.[71]

The distinctiveness of the composition of the District composition serves as a stumbling block to suffrage; because the District does not mirror the rest of the country, it is not looked on upon as positively. Harris states: "But in the important categories of racial composition and political party affiliation, the District is far from a perfect microcosm.[72] The District and the federal government—or the rest of the country, for that matter—have different desires and constituents such that they are incapable of always cooperating. Here, Harris points to race and political party as the main differentiating factors.

Along with logistical obstacles, Harris demonstrates that the failure to make the issue appear bipartisan had negative consequences. Some of the failures to attain voting rights Harris attributes to simple logistical mistakes: In 1978, the "shortcomings of the ratification campaign" included a failure to obtain enough funding for the push for the Amendment. Predominantly composed of Democrats, the campaign was far from bipartisan: "It was significant that no Republican-controlled chamber of any state legislature voted to ratify the amendment."[73] While Harris highlights the roles of several prominent Republican supporters, he argues that the locally-driven effort for state ratifications did not appear bipartisan enough to gain nationwide approbation.

As momentum for the 1978 Amendment waned, proponents started to turn towards the statehood effort in place of a legislative solution. He acknowledges that race is relevant, but is cautious about stating to what extent: "With a predominantly black population, the District is

[71] Ibid.
[72] Ibid., 265.
[73] Ibid., 208.

probably the target of more than its share of racist thinking."[74] While he does not say for sure that the District is a target of racist thinking, this is his clear inclination. He pits proponents of statehood and representation, who call their opponents racists, against the opponents, who call the use of such a term an attempt to intimidate them into supporting an unconstitutional change.[75] Although Harris leans more towards the proponents' point of view, his focus remains centered on federal obstructions to autonomy and suffrage, and he does not delve further on race or partisanship.

The People Speak: Public Opinion and D.C. Voting Rights

Edward Meyers takes the question of the political future of the District to the American people themselves in a study composed of small panels of participants from around the country. In small panels—in Bethesda, Maryland, Austin, Texas, Van Nuys, California, Harrisburg, Pennsylvania and Des Moines, Iowa, totaling 61 participants—he first educates the participants, and then moderates their discussions on the District of Columbia's future. He analyzes their discussions qualitatively for the solutions they support and the reasons for their views. His findings show that most Americans support voting representation for the District in the House of Representatives (57 of 61), and a smaller majority (35 of 61) in the Senate, as well. Most supported increased home rule and forms of nominal statehood, but only 16 participants favored statehood.

He finds many sources from such credible organizations as *The Washington Post* who cite incidents of racist remarks on the issue, but there is no demonstrable evidence that these statements are representative, aside from a general feeling among District residents that they are

[74] Ibid. 233.
[75] Ibid., 232.

typical.[76] The only ward of the city that voted against the 1980 convention for statehood was Ward 3, the majority white ward (it is one of eight wards in the city). Meyers' analysis leads him to note that there is often an undefinable but nevertheless existent delineation on how the races view a particular issue, such as the reputation of Mayor Marion Barry, whom many whites see as a corrupt drug-abuser, whereas some blacks see him as "someone who can overcome past failings, no matter how devastating they may be."[77] His research suggests a link between race and the District's inability to gain traction on voting rights: some participants were worried that black voters would elect Jesse Jackson and Marion Barry as "senators for life," a future they did not want to see happen; and one suggested that "it would probably help a lot" if the city were less black.[78] Regardless of its impact on reality, Meyers shows that participants link race and the District together in their minds. Several panelists also were worried that whites' political power would be consequently diminished.[79] The small size of the study necessarily limits the scope of the findings; it is hard to tell if the results would apply to the rest of the country as well. Meyers concludes that the future of D.C. rests in the power of education—if Americans can be educated about the issue and be convinced that the District is not the murder capital of the world or a city of government bureaucrats, statehood or another solution might be viable.[80] Still, without much leverage or national attention, Meyers concludes that the path towards representation will be a long and hard one.

Meyers attributes Congressional and general intransience on District representation to racial more than partisan roadblocks, but he does not ignore the influence of party politics altogether. While the District's situation is far from the top of the to-do list of either major

[76] Edward M. Meyers, *Public Opinion and the Political Future of the Nation's Capital,* (Washington, DC: Georgetown University Press, 1996).
[77] Ibid., 101.
[78] Ibid., 153.
[79] Ibid., 160.
[80] Ibid., 161.

political party, Meyers cites District residents who complain that Democrats were more likely to ignore them than Republicans.[81] Yet District residents are more hopeful of a change coming from a Democratic than a Republican administration.[82] Panelists did not discuss the partisan demographics of D.C. or situate it in a partisan context in the way that they did with race. Where some panelists feared an increase in black political influence, there was no parallel for a fear of an increase in Democratic political influence.[83] Race more than partisanship, therefore, was in the forefront of the minds of the panelists, and Meyers concludes that race trumps partisanship in its relevance to the District's failure to make any headway on voting representation.

This approach of examining the dialogues between members of a focus group provides valuable evidence as to the reasons the District has not made any headway in terms of representation. Although it was conducted among relatively small focus groups, Meyers' comprehensive analysis avoids the pitfalls of unrepresentative quotations.

An Uncharted District: My Niche

D.C. voting rights is a coin with many sides. Scholars have debated the legal, moral, and realistic sides of the issue. Yet, while scholars pick what may be unrepresentative quotations and draw conclusions from the historical narrative about the reasons behind the current status quo and the failures of past bills, none have focused on the reasons and motives themselves as an object of study. Motives and intentions are hard to pin down. While the scholars discussed in this review provided several valuable leads for where to take this research, they shy away from assigning motives for the failure of substantive reform. It is clear from this overview, however, that they attribute race more than partisanship as a meaningful factor. As these subjects tend not to be the central subject of their books and articles, they are content to use a possibly

[81] Ibid., 191.
[82] Ibid., 3.
[83] Ibid.

unrepresentative quote or two to illustrate the reasons behind the failure of a particular bill or amendment. This tendency indicates a substantial gap in the literature.

As Raskin put it, the question of the role of race in the debate is "inscrutable" and, if proven that it exists, could bolster claims of a violation of the Equal Protection Clause. Raskin's work highlights the challenge of pinning down the role of race in this debate, an issue that will be tackled in my methodology.

While the literature provides answers to the questions of constitutionality of particular solutions, or which solution is best or most effective by certain measures, these are merely *how*-questions. My thesis will attempt to answer the *why:* Why have the legislative attempts to give the District representation in Congress failed? Scholars tend to take an instance of seemingly overt racism or partisan politicking and call members of Congress out on it, without first defining what constitutes racism or partisanship. While the existing research addresses my main research question, it does not come near to definitively answering it, either qualitatively or quantitatively. Instead, the research indirectly hedges guesses concerning the reasons behind the lack of D.C. voting representation, without conducting a comprehensive analysis or substantiating the claims they make. In the next chapter, I will describe my methodology that attempts to approach this *why* question from a systematic angle. In these subsequent chapters, I explain how I intend to circumvent this problem by approaching the question from a more quantitative perspective.

Chapter 4: The Overlapping Stories of the Poll Tax Ban and District Suffrage

Introduction

Members of Congress do not always say what they mean. Wading through the Congressional record as a way to discern the true intentions of Congress is often fraught with subjectivity and bias. However, methodological approaches exist to discern patterns and links between seemingly unrelated policies that make it to the floor of the House and the Senate. Two such policies are the poll tax ban and District of Columbia voting representation—policies that, on the surface, appear to have little to do with each other. Yet the way that Congress dealt with them in 1960 could prove this to be false. Was there a connection between the disparate elements of the Twenty-Third Amendment—the poll tax and District suffrage—as they were evaluated in Congress?

This chapter will present a textual analysis of the relationship between the poll tax and District enfranchisement—or, as they are known in Congressional parlance, the Holland and Keating Amendments—in the context of the Congressional debates over the Twenty-Third Amendment. I hypothesize that members' of Congress speeches on District suffrage and the poll tax will reveal that they viewed both in the same racial context. If members of Congress used similar arguments to defend or decry the poll tax ban and District enfranchisement, then the similarities in their reasoning may show that both have similar racial implications.

Although the poll tax may on the surface seem unrelated to race, the next section will establish the premise that the poll tax was racially-based. From this foundation, a relationship or

link that I find with the movement for District suffrage would associate the District to the poll tax, and thus bring the former closer to racial issues. If members of Congress used the same line of reasoning or discuss both in similar contexts, then it would become clear that there exists a parallel and connection between the poll tax ban and District voting rights in the eyes of Congress, and in this way, it is possible to establish that Congress viewed both as racial concepts.

This chapter will also expose whether racism existed in the context of the Congressional floor debates in on District of Columbia enfranchisement and in the context of the Twenty-Third Amendment as a whole. In an interview, the District's current non-voting representative, Eleanor Holmes Norton, asserted: "In the 1960 debates, they [Congress] were openly racist."[84] Many scholars corroborate that the Congressional session and debates on the issue were marked by thinly-guised racism (and some allege that the racism was not guised at all).[85] The goal of this chapter is to verify this supposition one way or the other. As the poll tax, above all, was linked to race, drawing out and proving a connection between the two would constitute evidence for the role of race in the 1960 debate.

The data and discussion sections will reveal that members of Congress—especially supporters of the Amendment—did indeed associate the poll tax ban with the District in terms of their argumentation and conceptualization. The following sections will reveal the manifestation and implications of the findings in detail.

Literature Review

A Short History of the Poll Tax and the Meaning of "States' Rights"

[84] Hon. Eleanor Holmes Norton, interview by Karen Adler, U.S. Congress, December 18, 2012.
[85] Richard B. Bernstein, *Amending America*, 1995.

The poll tax is "one of the great symbols of southern racism."[86] When outright racially-based disenfranchisement was abolished with the ratification of the Fifteenth Amendment, former Confederacy states found other ways to accomplish the same goal of disenfranchising black citizens.[87] One of the main tactics involved the implementation of the poll tax, which aimed to discriminate against blacks, and in this respect, it was successful.[88] The methods resulted in the disproportionate disenfranchisement of black over white residents in these states. Numerous sources show that the poll tax was implemented to purposefully disenfranchise blacks.[89] In fact, the poll tax policy is so closely associated with race that it is often said in the same breath as white primaries, grandfather clauses, and literacy tests, other tools historically used to deny the franchise to blacks.[90] By 1960, five states still had the poll tax on the books—Alabama, Arkansas, Mississippi, Texas and Virginia—but the resulting heated debates proved that this topic was still a controversial and divisive one in Congress and in the public, to say the least.[91] Like separate water fountains, grandfather clauses, and literacy tests, the poll tax was one of the key policies that the Civil Rights Movement fought to make history.

The movement to ban the poll tax had a wide base of support. Ranging from members of Congress to the NAACP to the NCAPT (the National Committee to Abolish the Poll Tax), the effort to ban the poll tax was more of a national movement where activists worked towards a poll tax ban across the country in the states that still had a poll tax.[92] Founded by Joseph Gelders and Virginia Foster Durr in 1941, the NCAPT built off of earlier anti-poll tax efforts, lobbied for a poll tax ban, and forged connections with notables such as Eleanor Roosevelt in an effort to

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[86]Bruce Ackerman and Jennifer Nou, "Canonizing the Civil Rights Revolution: The People and the Poll Tax," *Northwestern University Law Review* 103(2009).
[87] Ibid.
[88] Chandler Davidson and George Korbel, "At-Large Elections and Minority-Group Representation: A Re-Examination of Historical and Contemporary Evidence," *Southern Political Science Association* 43(1981): 982-1005, http://www.jstor.org/stable/2130184.
[89]Susan Salvatore (ed.), "Civil Rights In America: Racial Voting Rights," *National Park Service,* 2009, http://www.nps.gov/nhl/themes/VotingRightsThemeStudy.pdf, 9.
[90] Ibid., 14.
[91]David Kyvig, *Explicit and Authentic Acts* (1996), 354.
[92] Ibid.

garner widespread support for the movement.[93] Even after the passage of the Twenty-Fourth Amendment in 1964, making the poll tax in national elections history, some states continued to have poll taxes for state elections. Although the poll tax has a long and complicated history of its own, there is enough here to tie it to race and the extension of the franchise for blacks. This allows us to later discuss the role of the poll tax and the District directly without having to determine each time whether the poll tax had racial connotations.

In a similar vein, "states' rights" has been shown to hide racial meaning. In the context of the Civil Rights Movement, the argument for states' rights was often used as a cover for racism: segregationists organized and made *states' rights* their rallying cry to obstruct any federal efforts to impose civil rights in the states of the former Confederacy.[94] "States' rights" often served as the mask that veiled racist intentions in the context of opposing such Civil Rights legislation as the poll tax ban, and end to white primaries, literacy tests and grandfather clauses.[95]

Having established that the poll tax and the states' rights argumentation are racialized concepts, drawing a connection between the poll tax and suffrage for the District of Columbia would consequently amount to a way of demonstrating the parallel racialization of the District enfranchisement debate.

Charting Passage of the Twenty-Third Amendment

As discussed in the previous chapter, the passage of what was to become the Twenty-Third Amendment was by no means straightforward. The addition of the poll tax ban and District enfranchisement clauses to an amendment purportedly about succession of power changed the nature of the amendment and of the discussion in Congress. While some scholars characterize the push for Congressional representation for the District as a strain of the national Civil Rights

[93] Ibid., 22-23.
[94] Jack Bloom, *Race, and the Civil Rights Movement* (Bloomington: University of Indiana Press, 1987), 86.
[95] John Egerton, *Speak Now Against the Day: the Generation before the Civil Rights Movement* (New York: Knopf, 1994), 115.

Movement, others categorize it as something apart. Scholars also are at odds regarding the role that race played in and outside of Congress during this period. According to Kyvig, Holland's and Keating's egalitarian amendments were tacked on so as to avoid the challenge of these policies passing individually through the conservative, southern-dominated Senate Judiciary Committee, which was chaired by Democratic Mississippi Senator James Eastland.[96] Scholars differ on whether such a choice was a strategic or a logistical one.

Some contend that the local District suffrage movement was an integral part of the national Civil Rights one. Eli Zigas is one of these, arguing that "it would be hard to overstate the importance of the civil rights movement in the story of the 23rd amendment."[97] Listing the cause of the District in a chronology alongside the Montgomery Bus Boycott and *Brown v. Board of Education*, Zigas situates the Twenty-Third Amendment in the movement for rights for African-Americans.[98] Diner and Thompson do the same, drawing out the connections to race through narrative for this point in time.[99] Yet how the role of race—if, that is, it was present at all in the consideration or motives—manifested itself directly in the Congressional debates is up for debate. Some scholars argue that the bill had trouble because D.C.'s large black population meant the bill had "racial overtones."[100] More significantly, almost all the nays (all but eight) came from Southern or Southwestern Democrats, and all but four of the senators who had voted against the Holland Amendment voted against the Keating Amendment as well. The voting results would seem to imply that race was a significant factor. Thompson also attributes the difficulty of passage of the amendment to "racial bias" while acknowledging that all opponents

[96] Kyvig, 354.
[97] Eli Zigas, "Left with Few Rights: Unequal Democracy and the District of Columbia," (senior thesis, Grinnell College, 2008), http://www.dcvote.org/trellis/research/zigas_left_with_few_rights.pdf, 32.
[98] Ibid., 32.
[99] Diner, *Democracy, Federalism and the Nation's Capital* and Anthony J. Thompson, "The Story of the Twenty-Third Amendment," (1965).
[100] Alan P. Grimes, *Democracy and the Amendments of the Constitution*. (Lexington: Lexington Press, 1978), 127.

of national representation for the District get accused of racial bias.[101] Charles Vose also argues that race and racism played a part; only because the demographics of the District were favorable (i.e. nearly fifty-fifty white-black) enough to appease the anti-civil rights block in Congress that the Twenty-Third Amendment passed. Although their interpretations do not all align, from this overview we can see that scholars all view race as having been an important undercurrent at the time, and that the poll tax may serve as a vehicle for that undercurrent.

Methodology

My data will consist of the text of the floor debates on the Senate and House joint resolutions of the iterations of the eventual Twenty-Third Amendment. The data consist of floor debates on February 2 and 16 in the Senate, and June 14 in the House. I will consider the data and conduct a textual analysis in chronological order, so that the context and development of the discussion remains in place. These debates and speeches constitute the debates from the U.S. Congress, not from three-fourths of the state legislatures needed to pass.[102] The segments of speeches included herein will come mostly from the mouths of the supporters of the measure; opponents spoke very little on the topic, and therefore did not create much useful data.

This method seeks to reveal whether there was a consistent way that Congress handled and conceptualized D.C. voting representation and the poll tax, or whether Congress treated them as separate entities entirely. Since the poll tax has such inescapable racial implications, a link between the poll tax and suffrage for District of Columbia would serve as a proxy for talking directly about the racial implications of enfranchising the District of Columbia.

I hypothesize that members of Congress frequently talked about the two topics together and switched from one topic to the other, categorizing them together by using similar reasons for

[101] Thompson, 21.
[102] State legislature was not available without traveling to each state to access information that was only in hard copy version in their archives.

their support or opposition of these two proposals. I expect that members' of Congress speeches flowed easily from one topic to another and that they used similar logic or even the same arguments—such as reasoning pertaining to states' rights—to defend or argue against both proposals. I do not expect that all arguments overlapped, and I expect that the exigencies of time and scheduling demanded that the topics were sometimes presented separately. Whenever the two topics are scheduled to be discussed in conjunction, however, I expect members of Congress to combine the two but to focus more on the poll tax, as this element was the more divisive of the two at the time. Consequently, I predict that at least half the times that District suffrage was mentioned, the speaker also brought in the poll tax within the space of two paragraphs. I also hypothesize that the states' rights argument, which I expect members of Congress used frequently to defend the poll tax, also served as a line of reasoning that applied to at least half the cases where members of Congress mention District suffrage.

First, I will demonstrate whether a link exists between the poll tax and the District of Columbia amendments. To evaluate whether such a link exists, I will examine how often members of Congress talked about Holland and Keating Amendments together. Whether the poll tax was soon mentioned after the topic of District enfranchisement—or vice versa—would demonstrate such a link. The proximity of these two topics will give insight into the closeness of the connection that members of Congress draw between the two. How closely they were combined—in the same sentence, same paragraph or same speech—will provide a measure of their proximity.

Second, whether there is an overlap of arguments used for or against these two proposals—that is, whether Congressmen use the same or similar language when arguing for or against the poll tax and District enfranchisement—will be a factor in determining the closeness

of the link between the two. The nature of such a connection will reveal whether voting representation for the District was as racialized a concept as was the poll tax. Thus one way to determine the relation of the poll tax to District enfranchisement is to consider whether the supporters and the opponents tried to make the two policies seem similar by putting them in the same boat, or whether each side aimed to separate the proposals conceptually. Whether each side places the poll tax ban and District voting rights in the context of the Civil Rights Movement—or seeks to differentiate one or both from the movement—also will also be revealing in regards to the way each side categorizes the proposals, and whether members of Congress viewed them in the same context. This methodological approach will determine which of the conflicting interpretations of the role of race and the poll tax in this debate was present.

Third, this chapter will reveal whether Congress also applied the states' rights argument to the District of Columbia. If the same or very similar lines of reasoning were used for both topics, this would constitute a link between the two. Such a link would indicate that both may be racialized, if members of Congress use the same sort of language discussing the poll tax as they do the District. If in the states' rights argument, the District and the poll tax were conflated in the rhetoric of Congress, this would amount to a close association between all three of them.

Because my data consist of the quotations and a detailed description of the chronology of events, I do not place the quotations here; instead, I include them only in the discussion. The quotations are inherently factual, having come from the lips of the members of Congress. After having read through the entirety of the Congressional Record on this period, I was able to distinguish which quotes are representative, and these are the quotations pulled out and analyzed in the discussion.

Summary of Patterns and Analysis

On a general level, some findings stand out. Comparisons between the poll tax ban and representation for the District recurred in the Record. Supporters spoke by far the most, and they were the ones who drew comparisons between the poll tax and the District. Members of Congress did not apply the states' rights argument directly to the cause of the District, and they were mentioned only once together, which belies this portion of my hypothesis. When the District was the purported topic of discussion, members of Congress often talked about the poll tax as well, but the reverse was not true. There was little fluid digression from one topic to the other; either a member of Congress brought them up in conjunction, to prove the same point, or did not combine them at all. I hypothesized correctly that when they were referenced together, the member of Congress would talk more about the poll tax than the District.

Throughout the Senate and House debates a few major ways of characterizing the amendment predominated. Members of Congress in favor of the amendment used similar or the same arguments for the two elements when expressing their support. Opponents, on the other hand, talked little about the District facet and instead their discussions inevitably veered towards a discussion of the poll tax and states' rights without making overt connections between the District and the poll tax. I had predicted that in at least fifty percent of the instances where the District was mentioned, the poll tax would be too; this turned out not to be the case, but the poll tax is referenced less than fifteen percent of the time within a paragraph or two after the District is referenced Much of the discussion of District voting representation focused on other topics, such as the history of the District or the intent of the Founding Fathers in its creation. The excerpted quotations from members of Congress that bring up both the poll tax and the District are not entirely representative of the entire discussion, but such a comparison occurred frequently enough that they merit their own analysis. This summary presents general trends. Likewise,

through the details of Congressional discussion, I reveal how Congress mentions create links between the poll tax and District rights.

Senate, February 2

In introducing the proposal, Keating made it clear from the outset that that his new addition—the proposal to accord the District representation in the House and in presidential elections—was a distinct entity from the existing poll tax amendment. After a parliamentary inquiry, Keating introduced both his District enfranchisement amendment and a new formulation for the omnibus amendment: that the amendment no longer be one unified entity, but rather be divided into three prongs—concerning the government vacancy, poll tax ban and D.C. voting rights—so that the states could pass any of the three separately.

While separating the amendments logistically, however, his speech introducing and explaining his action revealed that he was at the same time attempting to forge a deeper connection between the poll tax ban and the condition of the District. On the floor of the Senate, he explained:

> "I must say…that I thought the hooking or yoking of my amendment to the so-called Holland amendment would be more like yoking a steer to a cow, because they both have to do with the voting franchise, whereas the original Kefauver amendment does not have anything to do with voting. I therefore think that even if we considered only the anti-poll-tax amendment, it might be appropriate to consider my amendment, in connection with it."[103]

It would be logical to assume that the separation of these three proposals into three prongs that could be passed individually would indicate that Keating—and, by extension, other supporters of the amendment—wanted to disassociate the District from the poll tax. Keating's above explanation made it clear that that conclusion is not his intention. He emphasized that the relationship between the two is one of substance, and that the poll tax and District have more to

[103] Senator Keating (NY), "House Vacancies—Constitutional Amendment," Congressional Record 106:2 (February 2, 1960), p. S1758.

do with each other than either does with preventing vacancies in the House of Representatives—thereby highlighting the substantive connection between the proposals, despite the parliamentary change to separate them.

Keating further demonstrated that the two proposals should be accorded equal levels of importance. He argued the following:

> "[That] the amendment is certainly equally as important as any other proposal which could come before the Congress to enlarge the exercise of the franchise. The continued massive disqualification of the District of Columbia residents from their right to participate in our electoral processes is inexcusable."[104]

By placing both in the umbrella category of "extending the franchise," Keating attempted to give the cause of District enfranchisement the same status and cachet that national anti-poll-tax movement had. The link to the poll tax movement—so closely associated with race—also created a racial connection to District suffrage, because both are designed to extend voting rights.

Keating along with other supporters of both proposals aimed to place the proposals on an international stage and set them in the context of the larger legacy of striving for democracy and freedom. He acknowledged the following:

> "[T]here is some difficulty in stirring up widespread concern for the plight of the residents of the Nation's Capital [because] the area of the District of Columbia is small [and] only local inhabitants would be affected by this reform."

In this way, he contrasted the small impact that the District amendment would have in terms of people affected against the significance of the issue. He stated: "[T]he principles at state are large. Our action would have international impact."[105] While the scale of the two policies is not on the same plane, he tried to equate them conceptually by categorizing them as the same morally. He then proceeded to create this connection overtly with the following statement:

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[104] Ibid., p. S1759.
[105] Ibid.

> "Both [amendments] are of the same nature in that they are attempts to remove unreasonable impediments to voting rights. They are both comparable in their impact and their justification. I don't know how many people in Alabama, Arkansas, Mississippi, Texas and Virginia would be benefited by the removal of the poll tax. But I am certain that the number is no more than the number of citizens in the District of Columbia who would benefit from removal of the absolute bar against their right to vote. This is not a mere matter of numbers, however, but basically a matter of principle. We cannot justify the denial of the right to vote because of his residence in the District any more than we can justify the denial of the right to vote because a citizen has failed to pay a fee."[106]

He argued here that the local measure should be equally important as the national one, if not due to the number of people each enfranchises, then due to the principle at the heart of the matter. At the same time, he acknowledged that the public (or, at least, his audience in Congress) would naturally consider the poll tax to be an issue of greater importance. He centered his argument on the relative importance of his cause of District voting rights by using the poll tax as a standard against which to contrast it. Keating even concedes that the District is generally thought of as small and unimportant in relation to the poll tax. We can therefore establish that the poll tax was the issue that most consider to be of more importance; his need to justify the two issues' equivalence necessarily reveals the generally-accepted unimportance of District voting representation.

Through such a connection, Keating's tactic becomes clear: in his speech he hitched the cause of District suffrage to the larger anti-poll-tax movement in order to fuel the former and give it momentum. In addition, he put both in the context of the Civil Rights Movement to further bind them together thematically and relate them to black suffrage. In his February 2 introduction to the District amendment proposal, he hinted at connections to the larger Civil Rights Movement. He quoted a letter he received from a woman from the Bronx, who wrote: "There is a lot of talk about civil rights these days. Do I correctly understand that in the District

[106] Ibid.

of Columbia no citizen, white or colored, has the right to vote?"[107] The inclusion of such a question implies an allusion to the civil rights context, of which the poll tax was a major part. Both the District and the poll tax, therefore, are situated in the context of the cause of black suffrage. Like Keating, other senators set District suffrage in a similar civil rights context by linking it to the poll tax to situate it in on the timeline of extending the franchise, especially for blacks. The above quotes represent the main points that the senators addressed.

Aside from these quotations and a few other similar ones, however, the poll tax and the District were not mentioned simultaneously or in proximity. While the source data for this date of the Congressional Record consists only of Keating's introductory remarks and a few other senators' words of praise for him, it is still telling that Keating referred to the poll tax several times in relation to the District. At first, he needed an explanation to clarify why he was adding an amendment that he realized others would perceive as unrelated. Yet it is clear that he went further than that to create a purposeful connection between the two, and made an effort to mention both together. This is not to say that his entire speech consisted of comparing the anti-poll-tax proposal to the District enfranchisement one; rather, the bulk of his speech consisted of him tracing the history of previous District voting rights legislative efforts. In this respect, then, for the rest of his speech, like the speeches of other supporters, Keating moved on to other topics.

House, June 14

After the omnibus amendment was broken up into three prongs, Celler proposed an alternative, more limited amendment to give the District a minimum of three electoral votes, but no more than the least populous state. This amendment excluded earlier provisions for District representatives in the Senate, and also eliminated the other prongs regarding the poll tax and

[107] Ibid.

government vacancies. When this more limited amendment reached the House on June 14, some members of Congress expressed concern that the poll tax element had been cut out.

The majority of the House discussion, post-Celler bill, focused on the District, but also contained passing references to the evolution of the amendment and the dropped provisions, because it was clear by this point that this more limited amendment was all they had left to deal with. Apart from justifications and rationalizations of the limited scope of the new bill, the poll tax was not the subject during this session.

Celler and a few others, however, spoke at length about the necessity of letting the poll tax proposal go in order to get the amendment passed at all, and their characterization of such a decision as a sacrifice demonstrates that the poll tax ban and District suffrage were topically linked. Throughout his speech, Celler emphasized that he was "being practical" in his decision to drop the former and keep the latter:

> "The distinguished and dedicated Senator from Florida, Senator Holland, was the faithful and courageous sponsor of the poll tax repeal. He assured me that in the interest of getting at least the vote for the District in national elections he would yield on the amendment."[108]

This sacrifice suggests that the District vote would have been a more passable one than a vote on the poll tax; Celler characterized the poll tax as controversial or unpalatable enough to possibly doom the less controversial element, the District section. Celler went on to say: "If he does not make this sacrifice there might not be any bill passing in the House. The Senator graciously yielded on his amendment."[109] Celler failed to say, however, where this pressure was coming from, and what prompted the sacrifice. Here, Celler implied a link between the two—that the poll tax was a sort of poison pill for District suffrage. The fact that Celler and Holland,

[108] Representative Celler (NY), "Proposing an amendment to the Constitution of the United States granting representation in the Electoral college to the District of Columbia," Congressional Record 106:10 (June 14, 1960), p. H12556.
[109] Ibid.

the main sponsor of the poll tax amendment, felt in necessary to save the District section at the cost of casting the poll tax aside again suggests a deeper association, and indicates that the former was more acceptable than the latter. Yet we must go further in order to resolve whether this implied link truly existed, in order to determine whether the poll tax was less palatable for racial reasons, what the nature of the link was.

Celler continued to make it clear that both the poll tax and the extension of suffrage to the District are all part of the same historical trajectory. He described a history starting with the Anglo Saxons, and focused on an extension of suffrage through the colonies to his era, weaving in both the poll tax and District suffrage into his narrative. In this speech, the transition from the poll tax to District suffrage took less than a paragraph as both are a part of a history of an expansion of the vote. He referenced the Fifteenth Amendment and the Civil Rights Act of 1957 and 1960, for instance, to squarely place both District enfranchisement and the poll tax ban in the same context and moral framework, and in this way draws them close on a logical level.[110]

Representative Abraham Multer (D-NY) made an even more direct connection—but this time, between states' rights and the District. He said:

> "It is hard for me to understand how those who stand for States rights oppose home rule for the District. Although the District is not a State, States rights is merely a name for self-government…so from this we can see that voting rights is even less controversial than home rule, less autonomy and self-determination with only electoral votes."[111]

This quotation amounts to a rare occurrence of combining the opposition's reasoning to the poll tax with the cause of D.C. voting rights. I had hypothesized that this sort of association would occur frequently, and in this sense, I was wrong, because this quotation represents the only time a member of Congress drew this connection. Here Multer purported that states' rights supporters and opponents to District enfranchisement overlapped, and that states' rights therefore

[110] Ibid.
[111] Representative Abraham Multer (NY), p. H12558.

stood in the way of District enfranchisement, as Multer argued that only in a perfect world the opposite should be true.

Senate, June 16

When the amendment returned to the Senate in its abridged form on June 16, a similar discussion took place regarding the necessary sacrifice of the poll tax ban in order to save the District voting representation provision. Kefauver, whose original amendment had now been changed so many times, continued the trend of characterizing the poll tax and District suffrage as substantively similar: "In the United States, over the years, there has been an increasing trend toward eliminating the burdens of the right to vote."[112] Kefauver thus linked the abolition of the burdens of the right to vote in a historical chain, and putting the poll tax and District suffrage equally in that development.

Senator Javits (R-NY) also concurred that the poll tax ban sacrifice is "sad," but then charts an alternate characterization by distinguishing the two in terms of their relation to the Civil Rights Movement. He said that he:

> "regret[s] exceedingly that any of the little bit we were going to do about civil rights in the bill has been canceled. I myself pledge, as I know many other Senators will also do, my best efforts to have passed a bill to eliminate the poll tax, because I am convinced that is the way to do it."

Although the other senators who spoke up in support of the two proposals put them in the same light, Javits here did the opposite: he declared that the poll tax ban fits in the civil rights context and is a part of that history, whereas District suffrage is not, or is at least more tangential to the Civil Rights Movement.

[112] Senator Kefauver (TN), "Proposing amendments to the Constitution of the United States to authorize Governors to fill temporary vacancies in the House of Representatives, to abolish tax and property qualifications for electors in Federal elections, and to enfranchise the people of the District of Columbia," Congressional Record 106:10 (June 16, 1960), p. S12852.

In debates devoted to discussing the District, less than fifteen percent of the time, the discussion of the poll tax erupts even when the subject at hand is purportedly the District, and as a result the discussion turned from the District to the poll tax. Even after the poll tax ban had been eliminated from the amendment, a large part of the discussion focused on it. After Senator Holland expressed uncertainty that the amendment in its final form would align with the Founders' original intent, Eastland, one of the main opponents of the poll tax ban, suggested a return to committee to hold further hearings about District enfranchisement. In response Holland quickly brushed aside that suggestion, citing the danger that the amendment would be lost in committee, in a similar way to the loss of the poll tax ban. The following dialogue ensued:

> Eastland: Has not the House shown we were right? What did it do with the [poll tax] amendment? It kicked it out.
> Holland: The Senator from Mississippi speaks with a little heat on this question.[113]

Holland's response gives insight into Eastland's state: that his focus was largely on the poll tax, which was more important to him, given the "heat" of his response. Here we find a glimpse of the point of view of one of the opponents, Eastland. While becomes clear that the supporters tended to use similar logic and reasoning to create a connection between the poll tax and District suffrage, it is less clear that the opponents of both of the policies appreciated the creation of such a link. As recorded in the Congressional Record, supporters such as Keating, Kefauver and Celler spoke the most, and those who did not support the Twenty-Third Amendment in any or all of its iterations spoke very little, not enough to amount to useful data.

After describing the benefits of past efforts to extend the franchise, such as the elimination of white primaries, Holland talked about his state's repeal of the poll tax, and the surge of participation of black and poor white citizens that resulted. Eastland, in reply, spoke at length condemning the incursion of federal oversight onto states' rights, and then returns to the

[113] Senators Eastland (MS) and Holland (FL), p. S.12854.

conversation at hand, by suggesting that Holland amend the amendment to enlarge it to its original scope:

> Eastland: What the Senator is now discussing is not even in the joint resolution. It has no bearing upon it. If the Senator is correct in his position, why does he not offer an amendment to the resolution?
> Holland: There are many reasons why I do not do so. The first is that I think it would kill both proposals. The second is that the way the joint resolution comes to us, it is not open for amendment….
> Eastland: The joint resolution could go to the Committee on the Judiciary to be considered.
> Holland: The Senator from Florida has been encouraged, by his experience with the Committee on the Judiciary, to think that the committee would be anything but a permanent graveyard for the proposed amendment, if it were referred to the Committee on the Judiciary…[I,] the Senator from Florida, fee[l] that rather than to defeat the good purpose of many Senators and many House Members, who wish to submit this particular proposed amendment, he is willing to wait a little while.[114]

Here it is once again clear that District suffrage was considered the smaller fry when compared to the divisive poll tax issue. Eastland's page-long speech vilifying the poll tax and in praise of states' rights in the middle of a debate allegedly focused on the District reveals the relative importance of the two. From Holland's disappointment, it appears that losing the poll tax ban was the bigger defeat. His willingness to wait to reintroduce the poll tax ban demonstrates that retaining District voting representation was a small victory that he felt forced to accept. It is here that arguments overlapped in terms of support and opposition for the poll tax and the District. Both put the proposals in the same context, even if one was clearly the smaller catch. Holland recognized the compromise as such:

> "It is my own very firm conviction that in the case of the poll tax amendment, those who believe in the civil rights program…will find in five states that most of the enforcement which is believed to occur under the terms of the act will be defeated by the nonpayment of the poll tax by persons who otherwise would be qualified."[115]

[114] Ibid.
[115] Senator Holland (FL), p. S12857.

By this, Holland characterizes the poll tax as a crucial element of the civil rights program, and its loss more fundamental to it. Such a statement contrasts against Keating's earlier attempts to elevate the District to the same playing field as the poll tax. Holland fit the poll tax and District suffrage in the civil rights program, linking both to race in this way.

Other senators modified this line of argumentation. One such senator was Senator Udall (D-AZ), who said:

> "I might say to my colleague shall support his amendment. I just wish to observe, however, that it seems to me that the base of the amendment sent to use by the other body has been whittled away. I do not regard it as a generous proposal. I regard it as a minimum proposal, and I shall support it as such.[116]

With this quotation Udall bemoaned the excision of what he considered to be at the heart of the amendment—the poll tax ban. He too falls into the category of revealing his implicit preference for what he saw as the more essential component, thereby implying the mildness of the District prong.

Discussion

This study has not only charted the complicated trajectory of the District of Columbia voting rights amendment, but also established the amendment's constituent elements' relation to race. Inextricably tied to the racial history of the United States, the poll tax served as a link between race and District suffrage. Despite the small number of relevant quotations and imbalance between the amount of speeches from supporters and from opponents, the findings are still insightful because they reveal undiscovered patterns among the ways that members of Congress categorized the poll tax ban and the franchise for the District. This was unexplored territory: no one until now has examined the nature of the link between the poll tax and a vote for the District in detail. Although members of Congress did not equate the two together for the

[116] Senator Udall (AZ), p. S12557.

majority of their allotted speaking time, those who spoke nevertheless made key links between the two, connecting them to the racialized issue of the Civil Rights Movement and the extension of the franchise to blacks. My hypotheses were partially disproven: states' rights and the District were mentioned only once in conjunction. However, another part of my hypothesis was fulfilled: the poll tax and the District sometimes were mentioned together, and the repetition of a relationship between the two demonstrates that many members of Congress who spoke viewed them as interconnected. Supporters made this connection in repeated ways, and they fall into several patterns, two of which predominate: the characterization of the two efforts as same in logic and principle if not scale, and the characterization of the poll tax as the more controversial and important of the two in the Civil Rights Movement.

First, supporters' attempts to hitch the District cause to the poll tax ban indicate the former's relative unimportance in the shadow of the latter national movement. The following characterization was the most common: the members of Congress who spoke out in favor almost unilaterally hitched the smaller, District-wide movement to the latter one, showing their relative scales. While senators and representatives did not make a clear connection between the two policies and race, the connection that they forged between the two policies alone represents a new finding. The association between the poll tax ban and franchise for the District showed that members of Congress associated the two on a logical, argumentative level, while disassociating them in terms of their content. In this way, the poll tax ban and District voting rights were part of the same effort to extend the franchise as part of the Civil Rights Movement—and especially for blacks. While Keating and others on occasion separated the two conceptually—just as he separated the prongs of the amendment from one another—at the same time supporters associated the poll tax ban to District enfranchisement through similar reasoning. That is, they

connected the two by pointing out the similarities in the movements in terms of principle if not scale. Such an association demonstrates that this logical link was not haphazard.

Second, the removal of the poll tax ban prong—leaving the amendment with a curtailed provision for District enfranchisement—brought out strong responses from senators who had supported the original bill. Their characterization of this outcome as one of defeat suggests their perceived inequity between the status of the poll tax ban relative to that of District suffrage, and further suggests that the former was more integral to the Civil Rights Movement than the latter. However, the "sacrifice" vocabulary used shows that both were nevertheless part of the same enfranchising movement, for which race stimulated the momentum. Leaving the District prong as the more palatable alternative caused supporting senators to call this outcome a "defeat." In this way, both policies once again seemed connected to the movement for equality for African-Americans, although senators clearly considered the poll tax ban more important than the District. Finally, the lack of text from opponents cannot tell much, but it is still significant: the very lack of interest in talking about District representation implies its lack of importance for these members of Congress. Eastland's dialogue epitomizes this: he changed the topic from the District prong of the amendment to the already-removed poll tax prong, indicating where his interests lay.

Third, the association between the states' rights argument and District enfranchisement was not a continual pattern. This negative finding is bears a mention because it shows that not all racially-connoted lines of reasoning applied to the District, making the ones that do stand out.

The patterns elucidated here reveal the ways that members of Congress connected—or dissociated—the poll tax ban to D.C. Through the words alluding to both the poll tax ban and District prongs of the Twenty-Third Amendment, we have gleaned an understanding of the

complex relationship between the two. An accurate description could be compared to a strange form of Congressional symbiosis—yet what kind of symbiosis, members of Congress differed. While some considered it parasitic, hitching the smaller cause of the District to one with national momentum, others would place it in the mutualist category, as both related proposals helped each other. Or it could be neither of these: like commensalism, the two prongs represented unrelated proposals that neither helped nor harmed one another.

The analysis indicates this last proposition to be the least likely. Instead, most proponents who spoke out show the characterization of the District in relation to the poll tax ban to change over the course of the Congressional debate. At first, the poll tax movement helped lift D.C. voting rights into a national dimension. This mutualist pattern dominates at first. Then, when it became clear that members of Congress thought keeping the poll tax ban would doom the District, the poll tax became harmful to the smaller, palatable element that could fly under the radar. In this way, this dominating pattern reveals that the relationship was one of mutualism to begin with, as members of Congress made it explicitly clear that both causes sought to increase the franchise. In the end, though, by characterizing the poll tax as a parasite, these supporters discussed the necessity of excising this prong. The evolution of this relationship—from mutually beneficial to harmful on one side—constitutes a new way of considering the poll tax ban and District suffrage. Although this textual analysis does not reveal whether members of Congress accurately assessed the relationship between the poll tax ban and District enfranchisement, I have demonstrated a consistent Congressional association between the two. In the next chapters, I move on from this foundation to explore the partisan side of the equation as well. As I evaluate not only one period but a change over time, I situate the 1960 Amendment debate in a broader

context, which demonstrates the legacy of the poll tax ban and the Civil Rights Movement on later periods.

Chapter 5: The District through a Lens of Red and Blue: Partisanship in D.C. Voting Rights

This chapter asks the following question: What role has partisanship played in the District of Columbia voting rights debate over time? To establish the role of partisanship in D.C. voting rights, I will present an analysis of the voting breakdowns of the members of Congress on the amendments and bills from the four periods.

Chapter Two overviewed the history of the partisan makeup of the District. As previously discussed, the District underwent demographic and political changes during the past half-century. Now considered a bastion of liberalism, the District was not always perceived as the Democratic stronghold that it is today. Scholars point to a less polarized divide on D.C. suffrage and in general in 1960, which raises the question of the importance of the District's political party identity in the context of D.C.'s political representation efforts.[117] Yet ever since District residents voted for president for the first time in 1964, an overwhelming percentage has always voted for the Democratic presidential candidate—evidence that the District was and has not wavered significantly in its party alignment over the past fifty years. Even in 1960, 70% of the District electorate voted for the Democratic candidate. Whether drastically or marginally, District residents have become more liberal over time.

[117] Vose, "A Tale of Two Cities," 1979.

This chapter will examine whether a link exists between the local political demography and party support in Congress. Has the partisan alignment of the District correlate to Congress' votes on D.C. suffrage? I hypothesize that it does, and that partisanship becomes an increasingly noticeable factor in Congressional vote breakdowns over time. That is, members of Congress were more likely to vote based on party lines in 2009/2007 than in 1978, and 1978 than in 1960. I predict that partisanship played less of a role in the 1960 and 1978 attempts for District voting representation, and that the partisan cleavage and relative importance has waxed over time. The goal of this chapter is to determine whether support for District suffrage has shifted as greater partisan shifts occurred in Congress. This way, the breakdown and evolution of the party breakdown in Congress on District voting representation becomes clear.

Identifying a link between party support in Congress and support for D.C. voting rights over time is not as simple as it may seem. "Republican" and "Democrat" have not always meant the same thing that those monikers do today. Although sometimes it may seem like the parties' positions and characterizations are set in stone, their positions on many—if not most—key issues have shifted, evolved or even reversed over time.

The Southern Democrats, once an institution of the former Confederacy, fractioned in the South, and ever since, the white South has largely become the dominion of the Republican Party.[118] A major partisan realignment occurred in the New Deal era, and racial issues of the civil rights sixties increased this trend.[119] The consideration of the Twenty-Third Amendment came, therefore, at a time when the cracks were increasing in the once-powerful institution that was the Southern Democrats. Roosevelt's New Deal Coalition fell apart in in the sixties, replaced by a Republican stronghold, thanks to George Wallace's states' rights campaigning and Nixon's

[118] Nicholas A. Valentino and David O. Sears, "Old Times There Are Not Forgotten: Race and Partisan Realignment in the Contemporary South," *American Journal of Political Science* 49(2005): 676.
[119] Ibid.

Republican Southern Strategy.[120] By the time of the District Voting Rights Amendment of the late seventies, Southern Democratic influence had all but extinguished.

This chapter determines the existence (or lack thereof) of polarizing party politics over these four periods of D.C. suffrage debates. The following section summarizes the conflicting scholarly viewpoints on the significance of partisanship on D.C. voting rights. Next, I outline my methodology, where I include my specific hypotheses on the manifestation of partisanship in the Congressional votes. Third, I present my data of voting results on bill passage and roll call votes on amendments. I then assess each year's data and conclude by teasing out the relevance of my data with a comparative development of the role of partisanship over time, in the context of the larger debate.

Literature Review

A Partisan Congress?

As previously discussed, it is not uncommon for scholars to argue that the partisan and racial demographics of the District influenced members' of Congress votes, and—at least in part—determined the resulting divide in the roll call votes. One such scholar is Charles Vose, who argues that the evenness of the party membership as well as the racial demographics contributed to the bipartisan support for the Twenty-Third Amendment in 1960. At the time a slight majority of the District was black, but, due to various obstacles, such as residency requirements and welfare laws, black registration was relatively low. All this demographic information leads Vose to conclude that "[b]ipartisan support was, therefore, possible in 1960-1961 when it might not have been later. Just ten years later, the 1970 census showed the

[120] R.W. Apple, Jr., "G.O.P. Tries Hard to Win Black Votes, but Recent History Works Against It," *The New York Times*, September 19, 1996, http://www.nytimes.com/1996/09/19/us/gop-tries-hard-to-win-black-votes-but-recent-history-works-against-it.html.

population of the District to be 71 percent black.[121] He argues that the demographics of the District correlate to the partisan cleavage about the issue. His analysis makes way for the argument that partisanship became a more crucial factor as the District became a sea of blue. The 2009 overwhelming majority of Democrats in the District leads Vose to consider the debate a political one. With reference to the context of District voting representation, Charles Vose calls the constitutional amendment a "political institution." Despite discussions purportedly devoted to "Founders' intent" and "the meaning of the Constitution," Vose sees through this language to the real political battle at hand with the passage of the Twenty-Third Amendment.[122] Such an assessment carries through to the twenty-first century, when many articles and editorials call out the partisan politics at play. A 2009 *New York Times* editorial that was published shortly after the defeat of the 2009 bill points out the District as one of the "target[s] for the Republican leadership, juxtaposing the District's rallying cry of "Taxation without Representation" against "partisan politics, and the district's large number of registered Democrats."[123] Like the *New York Times* article, there is a wealth of media sources that link partisanship—specifically Republicans' reluctance—to the failure of D.C. voting rights legislation.

Scholars too, such as one Adam H. Kurland, argue that partisan politics have inevitably tinged the tenor of the debate:

> "The issues surrounding….the District of Columbia have become so intertwined with partisan politics that it is easy to dismiss all arguments as blatant partisan rhetoric. Such dismissal, while understandable, is lamentable because the relevant constitutional and policy issues warrant serious consideration."[124]

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[121] Vose, 116.
[122] Vose, 115.
[123] "Taxation Without Representation, Indeed." The New York Times. January 18, 2011 Tuesday . Date Accessed: 2013/04/07. www.lexisnexis.com/hottopics/lnacademic.
[124] Adam H. Kurland, "Partisan Rhetoric, Constitutional Reality, and Political Responsibility: The Troubling Constitutional Consequences of Achieving D.C. Statehood by Simple Legislation," *Washington Law Review* 60(1992), 1.

Like many scholars, Kurland here brushes aside the political question in favor of the allegedly more objective, constitutional one. While he bemoans a dismissal of the policy side of the equation, his de facto dismissal of the less quantifiable political side cuts this key element short shrift: despite the rhetoric often attached to the question of partisanship, it should not be cast aside simply because controversy is attached to it; rather, this demonstrates that an in-depth and methodological examination of partisanship is needed.

The Applications of Roll Call Votes

At a basic level, there are three ways roll call votes are taken: manually, electronically, or a combination of the two.[125] The computerized format allows for the votes to be tabulated and printed more easily for the record.[126] Roll call vote analysis has a long history in political science, beginning in 1902 with the studies of A. Lawrence Lowell.[127] Political scientists have developed different spatial and other models of analysis.[128] In fact, roll call voting is one of the most studied aspects of U.S. Congress.[129] These scholars have found that roll call voting has low "dimensionality": that is, "that in the modern era the liberal/conservative dimension accurately characterizes most roll-call decisions, and that members of Congress tend to express very stable policy positions across their careers."[130] Many studies have found party influence via the measure of roll call voting, and this party influence has been uncovered in all Congresses but 1877.[131] That is to say, roll call voting serves as a measure for partisanship and serves as an indicator for partisan voting.

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[125]"Roll Call Voting Machines and Practices," National Conference of State Legislatures, http://www.ncsl.org/documents/legismgt/ILP/96Tab5Pt3.pdf, 20.
[126] Ibid, 21.
[127]Keith Poole, Jeffrey Lewis, James Lo and Royce Carroll, "Scaling Roll Call Votes with wnominate in R," *Journal of Statistical Software* 42(14), http://www.jstatsoft.org/v42/i14/paper, 1.
[128] Ibid, 2.
[129]Jason M. Roberts, "A Statistical Analysis of Roll Call Data: A Cautionary Tale," *Legislative Studies Quarterly* 32(2007): 341-360, http://www.unc.edu/~jmr08/Research_files/LSQ_07.pdf.
[130] Ibid.
[131] Gary W. Cox and Keith T. Poole, "On Measuring Partisanship and Roll Call Voting: The U.S. House of Representatives, 1877-1999" (draft), January 2002, http://www.voteview.com/CP13.pdf.

Methodology

Passage Votes

To classify a vote as partisan, I first look at the percentages of Democrats and Republicans voting as blocs. If seventy percent or more Democrats in the House or Senate align on a vote, then I classify this outcome as partisan for Democrats. The same threshold applies to Republican voting. This seventy-percent cutoff comes from the standard of measurement used in Michael Maggiotto and Gary Wekkin's *Partisan Linkages in Southern Politics: Elites, Voters and Identifiers,* where they studied the degree of partisan alignment on a range of national issues in the South.[132] Second, I will examine the differences in party support for each bill. A forty percent difference between the percentage of Republican and Democratic support or opposition—as defined by votes on a bill—measures the polarization between the two parties.

In sum, I will calculate the following percentages with these equations:

Democratic ayes/total Democrats = % Democratic support
Republican ayes/total Republicans = % Republican support
│% Democratic support│ – │% Republican support│ = % difference in partisanship

First, I will review and count up members' of Congress votes on the passage of the two amendments and two bills. This data comes from several sources: GovTrack and THOMAS Library of Congress (both online databases of bill tracking). I will present the totals of Democratic and Republican votes. I will calculate the difference in the percentage of Democratic and Republican aye and nay votes, and then I will find the difference between these two figures for supporters and opponents by party. The percentage difference will show the extent of the party divide, and I will look to see whether the percentages meet the 70% threshold.

[132] Michael A. Maggiotto and Gary D. Wekkin, *Partisan Linkages in Southern Politics: Elites, Voters and Identifiers* (Knoxville: University of Tennessee, 2000).

To identify partisan change, I will then calculate the change in party divisions from one period to the next, which will determine whether the issue has become a polarizing one in Congress over this timespan. Finally, I will further compare this data against the partisan statistics of the District from the four key years—1960, 1978, 2007 and 2009—using data on the percentage of District residents who voted for the Republican and Democratic presidential candidates.[133] This comparison will indicate whether the party loyalties of District residents correlates with the results of the roll call vote findings.

Having established the thresholds for partisan consistency, I present here my specific hypotheses about partisan consistency in the roll call votes from the amendments and bills: I hypothesize that the votes on amendment passage do not meet this threshold in 1960; that they barely meet it in 1978; and that they surpass it in 2007 and 2009. I also hypothesize that the amendments to the bills that members of Congress suggest result in voting breakdowns that are more polarized, in order to exacerbate the partisan divide and make the bills more partisan than they were originally.

Roll Call Votes

The roll call and voice votes are recorded in the Congressional Record and on GovTrack.us. For all the amendments on each of the four bills and resolutions, I will record votes in reference to support/opposition and political party membership. I will also categorize the amendments as they pertain to D.C. enfranchisement, and I will then compare the polarization of the party breakdown to the polarization of the party breakdown in the passage votes. I will determine whether polarization is reflected in the roll call votes on the proposed amendments to

[133] I use presidential vote percentages as a proxy for the partisan makeup of the District, information that was not available for the past fifty years at the District Registrar of Voters or Board of Elections.

the bills by determining whether the outcomes of the roll call votes on amendments is as partisan, more partisan, or less partisan than the votes on passage.

If most of the amendments more polarizing, then this result will further show that the original bill was viewed through a partisan lens. This determination leads into a definition of a poison pill: if the results of the vote show that the amendment takes away one party's support of the bill, it is a polarizing poison pill, whose effect is to target one party's support. I hypothesize that in each period, the roll call votes on amendments will create a more polarized, partisan divide than the passage votes themselves. In this way, they would serve as tools to exacerbate the divide and make the bills appear more partisan, thereby taking away any bipartisan support.

Data and Assessment

Data, 1960

On February 2, 1960, the Senate voted on S. J. Res. 39. This was not the final vote; the amendment was passed voice vote by both houses of Congress in June, and as a result there is no record of the Republican-Democratic breakdown for the time period. The House had a voice vote, and as a consequence each representative's vote was not recorded separately. The House adopted the amendment 294-86,[134] but the Record does not record Democratic versus Republican votes. Instead, recorded here is the Senate vote on the original three-pronged amendment, before Celler's more limited version took its place. 43 Democratic senators voted for S. J. Res. 39, and 12 against [see fig. 5.1]. Out of a total of 65 Democrats who were in the Senate at the time, this constitutes 66% voting in favor and 12% against. Out of 35 Republicans, 27 voted for and 6 against: 77% and 17% of Republican senators, respectively, surpassing the 70% threshold for partisanship explained above. In total, 74% of the Senate—comprising 43 Democrats and 27

[134] Bernstein, 138.

Republicans—voted to pass Senate Joint Resolution 39, the three-pronged amendment. The difference between the Democrat and Republican levels of support was 11%, and the difference between the Republican and Democratic levels of opposition was only 1%.

Assessment, 1960

In 1960, the 66% of Democrats voted as a bloc for the amendment, almost meeting the 70% threshold. I hypothesized that the voting outcome would not meet the threshold for either party, which turned out to be true for Democrats but not for Republicans, 77% of whom voted for the amendment. This outcome shows the issue to be slightly more partisan than my hypothesis predicted, as I hypothesized that neither party would be this unified in 1960. Republicans were more unified in support than were Democrats on the issue, which my hypothesis did not foresee. The differences between the levels of support and opposition was minimal: at just 11% and 1%, these figures show the issue to be bipartisan in vote breakdown.

The Senate vote breakdown indicates not only the bipartisan support that the amendment had, but also the nonpartisan nature of the breakdown: the division was not strongly based on party lines. It is important to note that, of the senators from states the states of the former Confederacy (all Democrats), there were only six aye votes, including that of Holland, one of the main advocates for the amendment.

Data, 1978

In the Senate, 79% of Democrats and 50% of Republicans voted in favor of the amendment, and 20% of Democrats and another 50% of Republicans against it [see fig. 5.1]. This time the only the Democrats met the threshold of seventy percent party unity. Neither of the differences between the two parties' percentages on support and opposition met the 40 percent threshold: there was a 30% difference in support and a 29% difference in opposition.

On March 2, 1978, the House voted, with 78% of Democrats and 43% of Republicans voting aye to pass House Joint Resolution 554 [see fig. 5.2]. 16% of Democrats and 55% of Republicans voted against it. The difference in support was 35% and in opposition 39%, just a point lower than the 40% threshold. However, the percentage difference was three times that of the difference between the parties in 1960. Republican support declined from a landslide majority in 1960 to equal support and opposition in the Senate and a slim majority opposition in the House.

In 1978 all the amendments voted in the Senate on were tabled, but votes for or against the tabling of the amendments hints at senators' opinions on the amendments themselves. In the data section, I categorized the amendments in figures 5.3, 5.4 and 5.5 based on the following patterns: increasing the franchise/autonomy for the District; limiting the franchise (variations on retrocession); and having no substantive relation to District suffrage.

Assessment of Passage Votes, 1978

In 1978, the divide of support and opposition shows an intermediate picture. In 1978 the polarization of support and opposition increased 19% and 28%, respectively, although neither met the 40% threshold. The results approached the predicted figures of my hypothesis: this time the Democrats but not Republicans barely met the threshold for party cohesion, instead of both parties as I predicted. D.C. voting representation was more of a unifying issue for Democrats than Republicans, and likely a more partisan one for them ideologically, too. The data reveal that the District a more divisive issue for Republicans. It is revealing that at this time, District representation was more unifying for Democrats than Republicans, where not quite twenty years later the reverse was true.

At this point in time, half of all Republican senators supported the bill, and 44% of Republican representatives did so, nearly splitting the Republican Party in two [see figs. 5.1 and 5.2]. This result makes it clear that party cohesion was not a significant element for Republicans, whereas the Democrats' party cohesion stands out with 78% voting aye and only 16% nay, a healthy 8% above the threshold for partisanship. The voting outcome differentiates the parties by nearly 40%, demonstrating that this is an issue that polarized the parties—at least, more so than in 1960. By 1978 the Congressional voting results approached the District's political makeup on the Democratic side: both District residents and supporters of the Amendment were over 70% Democratic. There is a disparity then between the Republican percentage in the District and the Republican support in Congress; despite the District's dearth of Republicans, some Republicans nevertheless supported the Amendment, revealing the issue to be somewhat polarizing, but not significantly so.

Assessment of Roll Call Votes, 1978

From the roll call vote graphs on extending or limiting D.C. suffrage, we can see that large majorities of senators consistently voted down all the suggested amendments—both the ones that would have increased the scope of the amendment and ones that would have diminished it. Amendment were quickly tabled rather than seriously considered. The amendments that would have lessened the extent of the vote for D.C. residents gained more Republican support than did the amendments that would have increased it. It is important to note that these limiting amendments were more bipartisan in vote breakdown; the idea of diminishing the extent of D.C. representation was not a polarizing one at this time. Still, on the other side of the aisle, Democrats by a large margin voted to table these amendments. In all but one case—that of the amendment retroceding the District to Maryland—Republicans were split almost fifty-fifty

in their votes, making the voting results less polarized by political party. The amendments that limited the franchise failed the threshold tests for party unity and partisanship—as a result, retrocession, partial retrocession and limiting the vote to the House appear to be less partisan than the ultimate vote on passage. This finding repudiates my hypothesis, which predicted that members of Congress would offer amendments in order to polarize the original Amendment or bill and lose a whole party's support.

Votes on amendments extending the scope of the franchise and District autonomy failed the threshold tests, although they yielded a more partisan result. For each amendment, two-thirds or more of Democratic senators voted to table the amendments—an undeniable indication that they intended for the Constitutional Amendment to comprise of voting representation in Congress, no more, no less. Republicans were fairly split on the tabling of these amendments, although such a pattern is weak at best. Nevertheless, it is clear from the vote breakdown on these amendments that polarization did not significantly increase across the board or exacerbate the partisan divide.

Two amendments fell into a third category: they had no substantive relation to D.C. voting rights. Republicans, perhaps surprisingly, were more split on these amendments, similar to their split on the vote on the Amendment itself. For them, it seems that all aspects of the issue were up for consideration, whereas Democrats had a more solidified idea of what they foresaw being passed. Abortion and balancing the budget, which had no discernible relation to District suffrage, polarized the votes of the Republicans more than the passage vote, but did not lead to a significant pattern of polarization for either party.

2007 and 2009, Data

In the 110th Senate in 2007, 48 out of the 49 Democrats voted in favor of the D.C. voting representation act, which amounts to 98% of them, and one voted against, or 2%. The vote breakdown far exceeds the 70% threshold in this respect. At 7 votes (or 14%) for and 41 votes

(or 84%) against, Republicans also passed the threshold [see fig 5.1]. The two independents voted yea as well, although they were not included in this calculus. The difference in yea voters between the Democrats and Republicans was 74%, and between nay voters 82%. In the House, the differences between Democratic and Republican yea-voters was 83%, and between nay-voters 82% [see fig. 5.2]. 94% of Democrats voted yea along with 11% of Republicans, and 85% of Republicans and just 3% of Democrats voted nay.

In 2009 similar results emerged in the Senate: 96% of Democrats and 12% of Republicans voted yea, and 4% of Democrats and 85% of Republicans voted nay, representing over 70% cohesion on all fronts. The difference in support between the parties was 84%, and the difference in opposition 81%. The House of Representatives did not vote on the bill as a whole. The bill remains in the House Rules Committee, and there is no House data from 2009 as a result.[135]

Roll Call Amendments, 2007 and 2009

In 2007 no amendments were proposed, but during the discussion of the 2009 bill—an exact doppelganger—six amendments were proposed and tabled in the Senate [see fig 5.6]. An amendment for expedited judicial review passed by voice vote. Because there were five amendments that members of Congress actually voted on, I focus on these rather than their tabled counterparts. From fig. 5.6 we can see that three of these amendments resulted in sharp partisan divides—on par with the polarization of the votes on passage. Two concerned the extent (or the existence) of the franchise for D.C.: Hatch's point of order that the legislation was unconstitutional; and an amendment retroceding the District to Maryland; these votes were nearly as polarizing as the passage vote, which makes sense, since they concern the purpose of the bill. On retrocession, 29 Republicans (70%) and only one (2%) Democrat supported the

[135] "The D.C. Voting Rights Act," DCVote.org, http://www.dcvote.org/advocacy/dcvra_111thmain.cfm#.UWHXsRysiSo.

amendment, and 55 (99%) Democrats and 10 (24%) Republicans opposed it. The last two, on the FCC's Fairness Doctrine and gun control in the District—gave less polarized results. On the gun rights amendment, Democrats were split 41-58%, while all but one Republican voted in favor. The FCC amendment garnered overwhelming majorities of Republican and Democratic votes, with only ten Democrats and zero Republicans voting against.

Assessment of passage votes, 2007 and 2009

Forty years from the passage of the Twenty-Third Amendment, the split was partisan in the extreme. The results passed the thresholds with much room to spare, and the divides were partisan by large margins. The differences in support—of 74% and 82%—indicate that the bill was almost equally partisan to members of Congress of both parties. Support and opposition correlated closely with party membership, with very few outliers. More Republicans crossed the party lines than did Democrats, which implies that the issue was more cohesive for Democrats than Republicans.

The House vote on H. R. 1905, or the District of Columbia House Voting Rights Act of 2007, makes the partisan split apparent for all to see: in the House 212 Democrats and 22 Republicans in favor, and 6 Democrats and 171 Republicans against. The Senate divide was equally partisan, with only 7 Republicans and 1 Democrat crossing party lines.

Only two years later, a bill that contained the same language made it to the Senate. The Senate vote on the passage of S. 160, with much Democratic but little Republican support, about par with the 2007 Senate results. In the House, this shift represents the culmination of the partisan cleavage over the fifty-year timespan.

Assessment of roll call votes, 2007 and 2009

The roll call voting results are more polarized than in 1978, but do not lend themselves to patterns in partisanship. The FCC and gun rights amendment were less partisan than the other three—a finding that controverts my hypothesis that roll call votes would be used to exacerbate the partisan divide and make subject more of a partisan one by tacking on more a more divisive issue. Instead, the votes on the amendments were either equally partisan or less partisan than the passage votes. One of the amendments was technically a point of order that argued that the legislation violated the Constitution, and the votes on this amendment were as partisan as the final votes on the bill itself—a logical result, because this vote was as if the bill itself had come up for a vote. Another amendment, on media ownership, also yielded results that mirror the passage vote results. These findings do not validate my hypothesis because they do not constitute a polarizing pattern

Overall, the votes resulted in slightly more Republican cohesion and Democratic dispersal. Because the Republicans voted as a bloc against the final bill (which included this gun rights amendment), it is clear that this gun rights amendment was not enough to garner their support. On the flip side, it did not destroy Democratic support—while less than half of Democrats supported the gun amendment, they almost universally voted for the bill. From votes alone the gun amendment does not appear to be a poison pill since it failed to rid one party of support. From this data there is not enough information to tell what effect the amendments had on the House consideration; this would require a wider perspective than the Congressional Record and tabulation of votes. For the FCC amendment, with overwhelming majorities of both Republican and Democratic votes in favor, it is clear that this amendment did not serve the purpose of polarizing the topic at hand.

Retrocession appeared again in 2009, with very different results than thirty years before. Each time that the 1978 amendments were tabled, a sizeable minority of Democrats supported it alongside a smaller but still considerable Republican minority. When an amendment with the same goal appeared in 2009, the outcome could not have been more different: the divide was strictly partisan for the Democrats, who supported it, and partisan for Republicans as well, who by and large opposed it. This finding demonstrates that retrocession fits into the partisan pattern that D.C. enfranchisement as a whole does.

Discussion

Passage votes

Comparing the voting records of the votes on passage side by side presents a clear picture of the growing relevance of partisanship to the issue. The tabulation of the votes from these periods demonstrates the increasing polarization of the bills, although the party polarization does not completely correlate to the District's partisan demographics.

Except in 1960, Democrats tended to stay as one unit more frequently than did Republicans, whose votes were more likely to be divided more evenly. The data also present a second finding: the partisanship has always been a present force over the past fifty-odd years. Democrats have consistently supported District voting rights in large numbers: even in 1960, Democratic support hovered around two-thirds, similar to the Democratic population in the District. The increase in Democratic support from 1960 to 2009, however, is drastic: from a majority to near-unity. Democratic support increased 13% between 1960 and 1978, and 17% from 1978 to 2007. Where the issue used to have general Democratic support, by 2009 it had become intrinsic to the Democratic position. 1978 is the middle ground, with around 79%

Democratic support in both the House and the Senate, almost exactly the midway point between the other periods in terms of Democratic support.

As for the Republicans, the voting record betrays a gradual decline in support. The Twenty-Third Amendment garnered bipartisan support—including the votes of an overwhelming majority of Republicans. By 1978, this new iteration of the D.C. voting rights amendment did not win a majority of Republican support in either the House or the Senate, which represents approximately a 20% decline from the Republican level of support in 1960. Between 1960 and 1978 Republican and Democratic support reversed in their majority and minority positions. By 2007 and 2009, Republican support was scant: never more than 15% in either house in either year—a decline of over 35%. The data portray an increasingly polarized picture of the votes on D.C. voting representation, especially when it comes to the difference between the parties. In the later periods the parties voted as blocs, with vast gulfs between Republican and Democratic support. The relative bipartisanship of 1960 faded by 1978, and by 2007 it had all but disappeared.

The political preferences of the District somewhat correlate to the results in Congress. In 1960 the District population was, regardless of the standard of measure, majority Democratic. The voting results therefore did not align with the District's political demographics—in fact, a higher percentage of Republicans supported the measure than did Democrats, a fact that switched by 1978—hinting that the partisan makeup of the District was not a major factor. No more than 22% of District voters (in 1974) ever voted for the Republican candidate; this figure is far from the 50% of Republicans in Congress who supported District suffrage. The increase in Congressional Democratic support mirrors the increase in Democratic District voters [see fig. 5.8]. In fact, Democrats in Congress supported the District at higher rates than did District

residents voted for Democratic presidential candidates, indicating that the District was thought of as an essentially Democratic entity. While the evidence far from shows this to be a causal relationship, by the twenty-first century the District was almost universally Democratic—voting by over 90% for Barack Obama in the 2008 election—and by this time the cause lost nearly all support Republican members of Congress. While the District's partisan makeup did not reflect the Congressional voting outcomes to begin with, by 2007 and 2009 the parallel grew stronger: the issue became solely a Democratic one in Congress, with paltry Republican support, similar to the paltry percentage of Republicans in the District itself. By the twenty-first century, the percentage of District votes for the Republican presidential candidates had declined to single digits as well.

All in all, through an examination of the House and Senate votes on bill passage alone, we see a clear picture of the waxing influence of partisanship. The data portray a clear picture of the increasing political polarization regarding District representation. Partisanship was always at play for the Democrats, and emerged later for Republicans, who used to be evenly divided on the issue.

Roll call votes

As the votes on bill passage have already established the increasing polarization of the bills, from this data we see that the amendments themselves did not become partisan tools to exacerbate the divide as I hypothesized. Rather, the votes on the amendments from 1978 and 2009 mostly paralleled the results on passage from these years, with a few amendments more polarizing and more of them less polarizing.

With only two years when amendments were offered, data comparison is limited. Although the partisan cleavage was more apparent in 2009 than it was in 1978, certain

amendments were not that politically divisive. The amendment that most stands out in this category—and the amendment that got the most media attention—was Senate Amendment 537 of 2009, or the gun rights amendment, which removed a previous ban on guns in the District. It received one hundred percent of Republican votes, and 41% percent of Democratic votes, revealing that it was not the partisan tool or poison pill as might have been expected.

Although the roll call votes of these amendments are from two distinct time periods and there is no way to trace the gradual change over time in support of this measure, the data reveal an interesting change on the topic of retrocession, the one topic to appear once in both 1978 and 2009. The data portray contrasting portraits, one in which retrocession is almost one hundred percent polarized; and one in which it is anything but. From the graph, it is clear that in 1978, the consideration of retrocession had apparent though limited bipartisan support, whereas by 2009 all Democratic favor for retrocession had disappeared. We see here that the polarization of the votes on retrocession parallels the polarization of the two political parties on the topic of D.C. voting representation as a whole.

Conclusion

The history of the roll call votes cannot tell all. Other factors are folded into the voting process. Congresswoman Norton pointed out in her interview with me:

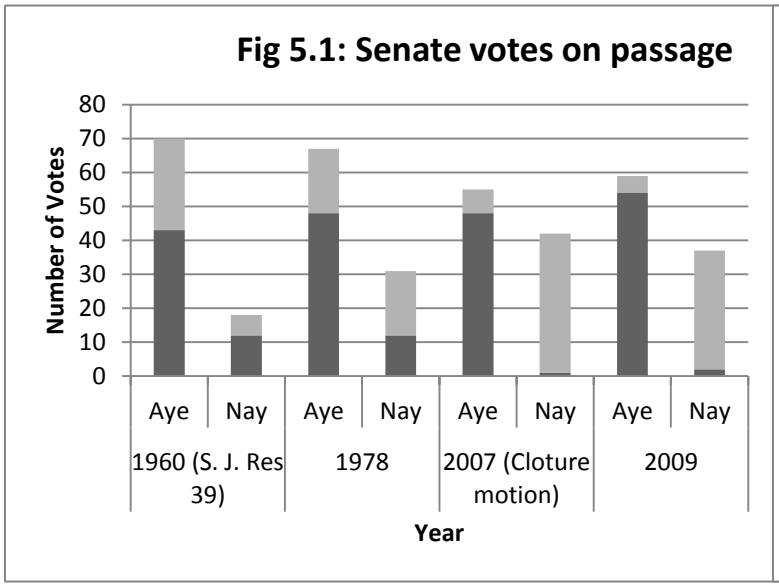
> "Some of the people who voted for the Voting Rights Amendment to the Constitution were Southerners. Strom Thurmond. Do you really think he went back to South Carolina and asked the state legislature to approve this amendment?"[136]

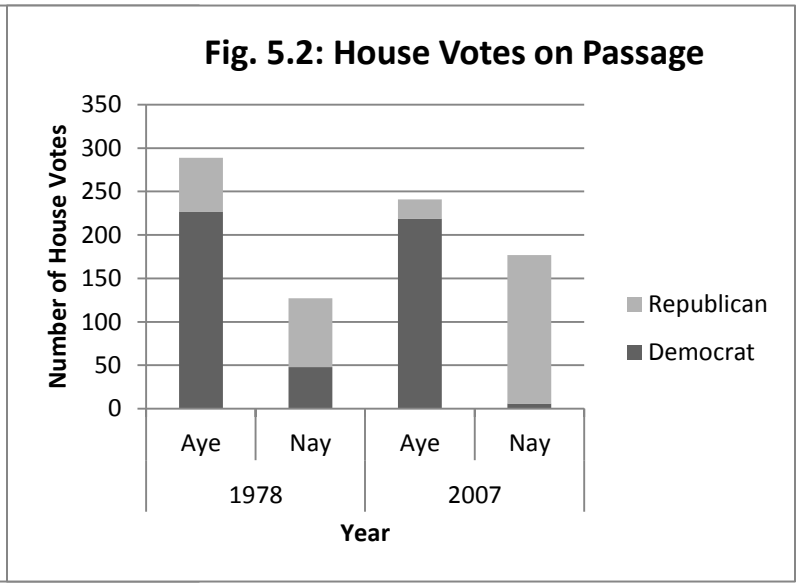
Her rhetorical question pinpoints the undeniable drawback to relying on this methodology alone—part of the reason that, in the next chapter, I consider partisanship from a different point of view. Of course, these bills and amendments were not identical to each other, which accounts in part for the difference in voting results. The climates and political will behind the bills and

[136] Norton interview.

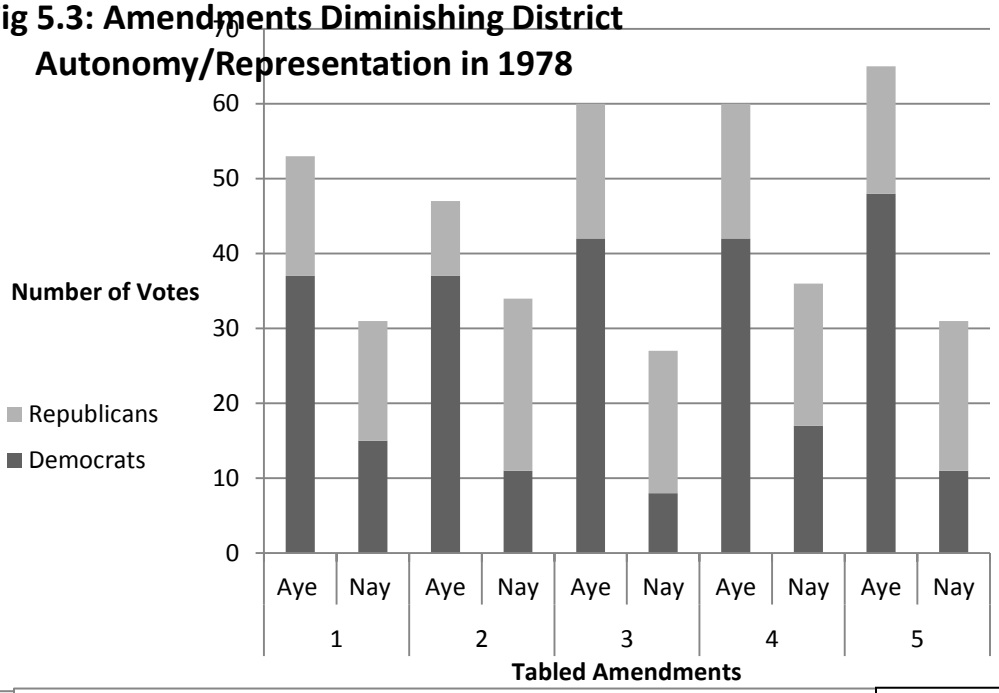
amendments was also not the same, as different senators and representatives sponsored and supported the bills. Yet despite these other factors, I have shown here the increasing polarization of the issue through an examination of the votes on passage. As the issue itself was not presented in the same form—constitutional amendment versus bill—the constitutional issues at hand varied. But the heart of the matter, the substance was the same, which goes to show that a partisan split exists not solely due to Constitutional amendment-versus-statute concerns, but rather due to the partisan shift on support of this issue.

Figures



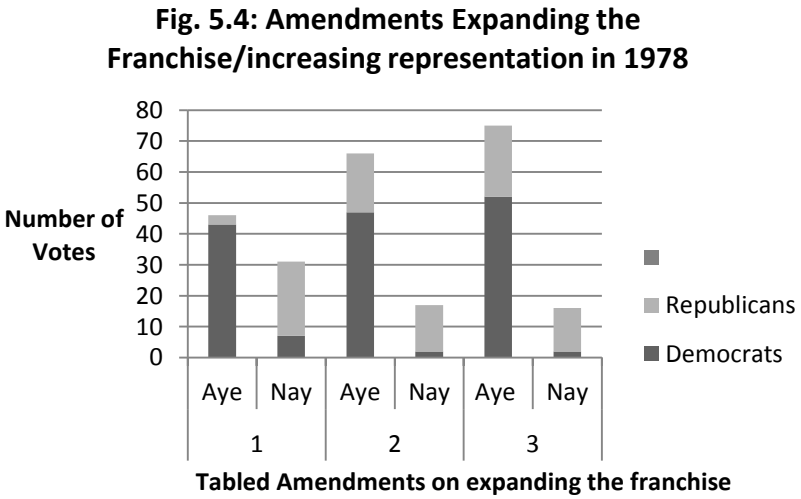


The two above bar graphs show the available data for the yea[137] and nay votes on bill and amendment passage in the House and the Senate from the four time periods.



KEY:

1: To table an Amendment providing that the District be represented by Maryland in the Senate and treated as a State in the House of Representatives
2: To Table an Amendment retroceding the District of Columbia to the State of Maryland, except for those lands owned by the United States.
3: To Table an Amendment that would provide for the representation of the District of Columbia only in the House of Representatives
4: To table an Amendment that provides that for the purposes of representation, the District of Columbia shall be treated as a state in the House of Representatives and as part of Maryland in the Senate.
5: To Table a Point of Order made by Senator Hatch against H. J. Res. 554 on the grounds that the language therein violates the Constitution.



KEY:

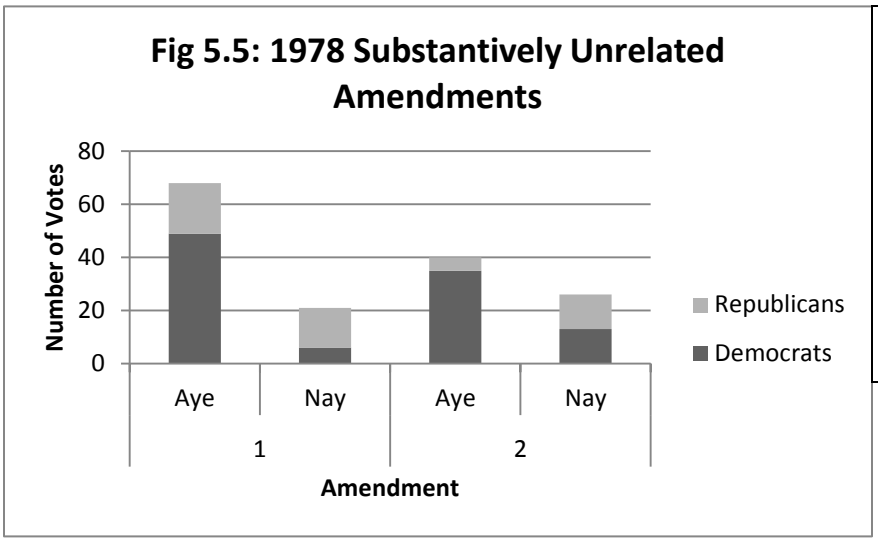
1: To table an Amendment granting the people of The District of Columbia the authority to decide how the rights and powers conferred shall be exercised

2: To table an Amendment granting statehood to the District of Columbia.

3: To table an Amendment assuring the right of the people of the District of Columbia to implement provisions relating to their representation in Congress.

[137] There is no difference between "aye" and "yea," and I use them interchangeably here, as do many experts: see www.govtrack.us for more information.

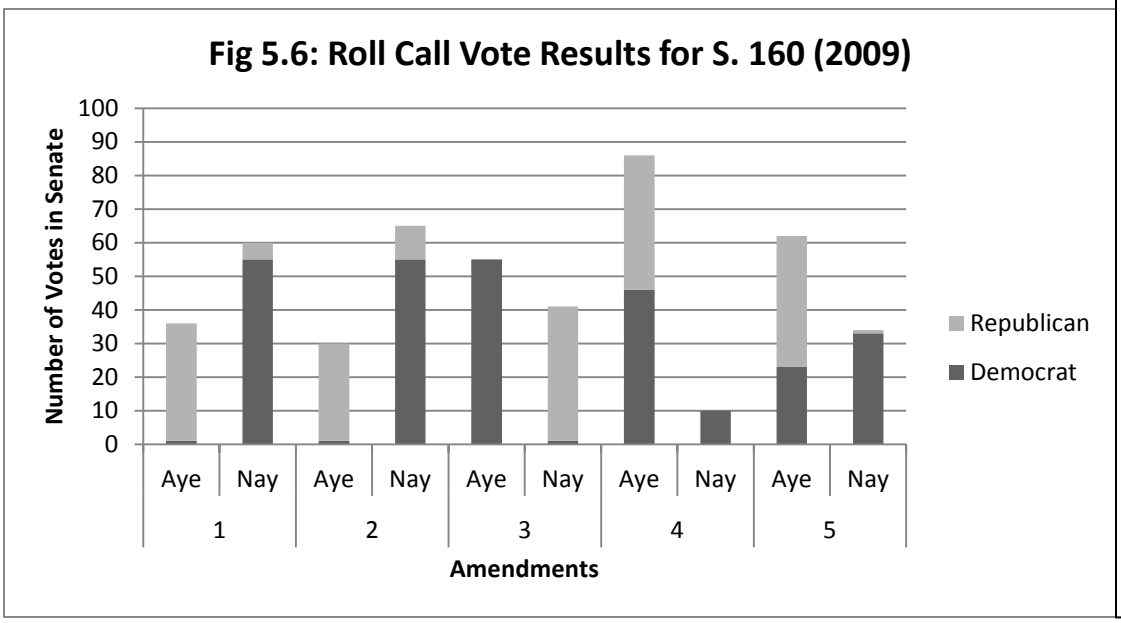
The two graphs above and one below represent the roll call votes on amendments to the 1978 legislation, separated into three categories.



Key:

1: to Table an Amendment requiring the federal government to terminate deficit spending

2: To table an Amendment that reserves the right of the states and territories to determine the circumstances under which a pregnancy may be terminated



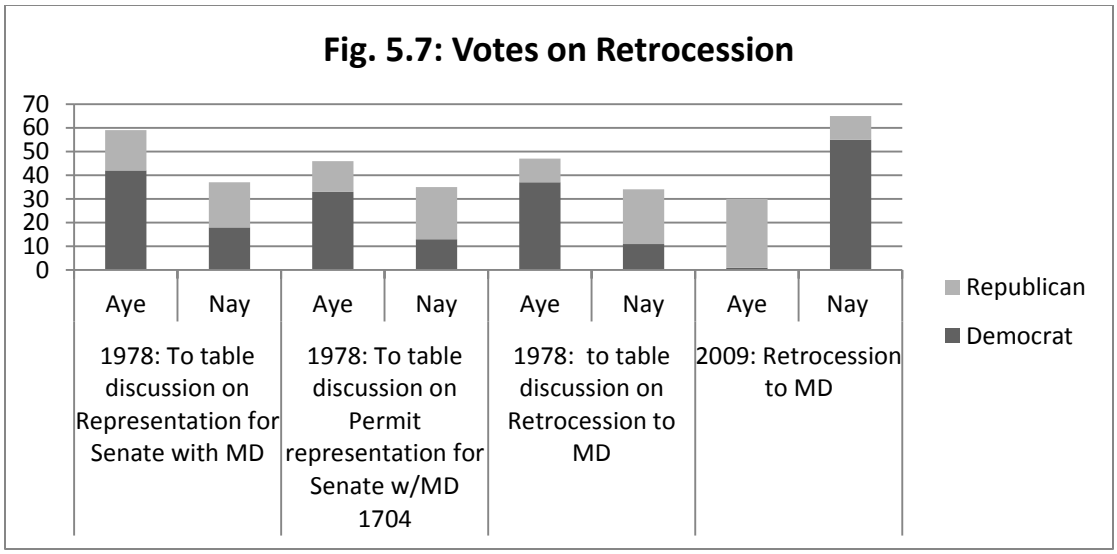
Key:
1: A Constitutional point of order against this bill on the grounds that it violates article I, section 2, of the Constitution

2: To provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes.

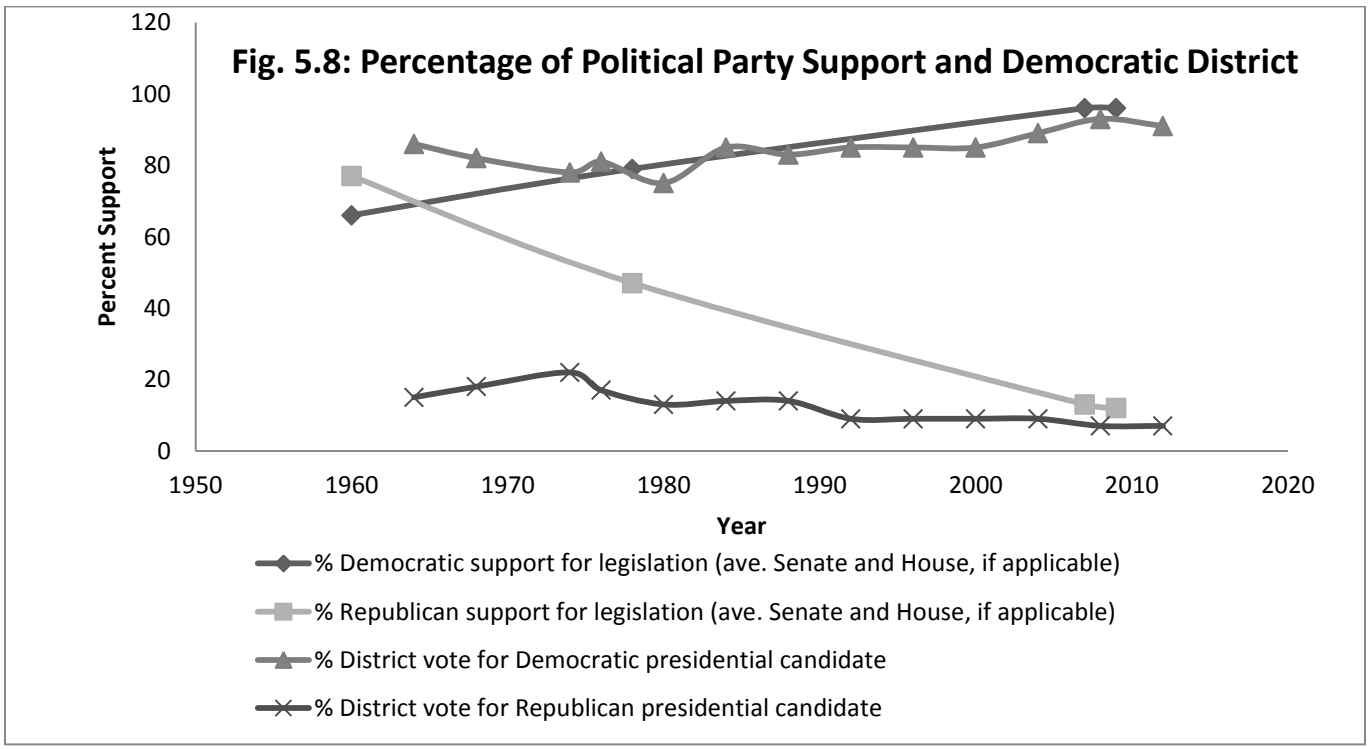
3: To encourage and promote diversity in communication media ownership, and to ensure that the public airwaves are used in the public interest.

4: To prevent the Federal Communications Commission from repromulgating the fairness doctrine.

5: To restore Second Amendment rights in the District of Columbia.



The above graph compares the votes on retrocession in 1978 and 2009.



The above graph compares support of DC voting rights legislation in Congress against the percent District vote for Democratic and Republican presidential candidates over time.

Chapter 6: Just under the Surface: Implicit References to Race and Partisanship

Introduction

The goal of this chapter is to determine whether there is evidence of implicit or explicit racism and partisan politics in the committee debates and arguments of members of Congress. I will examine and highlight the role that these two controversial issues have played by focusing on coded words that represent these two themes. The coded language methodology has never been applied to Congress as I apply it here. Using the Congressional Record as source material in the application of this methodology allows for an innovative exploration of members' of Congress references to race and partisanship that may have gone under the radar until now. As we have seen, scholars, members of Congress, and the general public disagree over the roles that these two controversial topics have played in the D.C. voting rights debate. Examining the Congressional Record for instances of coded words referring to race and partisanship may reveal their relevance to D.C. voting rights on a concrete level than ever before.

Prominent figures have spoken out on this issue, including the figure who is currently closest to the heart of the issue than any other: Eleanor Holmes Norton, the District's non-voting representative. She put forth that race and partisanship are *the* reasons that the District remains disenfranchised today.[138] Most District residents would agree. For them, it's a given that partisanship and race—especially the latter—are powerful forces in the history of the District voting rights movement. They attribute the immovability of Congress on this issue to race; to

[138] Ibid.

them, it is obvious.[139] When it comes to race and partisanship, what may seem as the plain truth to residents might turn out to not be true at all—or at least not apparent in the Congressional Record. In this chapter I endeavor to determine which of these possibilities is accurate.

Coding for partisanship and race does not mean that these two issues made up the majority of the debate; on the contrary, at times they entirely absent or barely present, to the extent that they were easy to miss. On the topic of D.C. suffrage, an astounding range of reasons pro and con arise in Congressional debates and hearings. Some reasons appear only once, and some are so ubiquitous that they do no bear recording or tracking. Most of the debate—from 1960 to 2009—dealt with federal or constitutional issues, such as the intent of the Founding Fathers and the meaning of democracy. It is apparent that the Constitution and the Founding Fathers were very important to both the support and opposition in Congress at the time; although this is evidence of a sort, my research has shown that there exist an abundance of extensive studies that already discuss this pervasive and omnipresent interpretation of this sort of constitutional originalism as it pertains to D.C. voting rights. On the other hand, race and partisanship—while certainly mentioned less frequently in the Congressional Record than the Founding Fathers and original intent—make for more absorbing subjects because they lend themselves to the more dangerous, controversial side of the debate: on a substantive level, finding traces of partisanship and race in the words of the opponents to District representation would indicate that the racial and partisan makeup of the District may have influenced—or determined—their decisions, rather than basing their decisions on legal or judicial precedent. This potential finding would be a significant one because it would reveal a heretofore undiscovered prejudice of Congress when it comes to District of Columbia enfranchisement.

[139] Dodd, *"Curing Disenfranchisement in D.C."*

While the constitutionality or legality of District suffrage legislation takes up the wealth of the debates in Congress, other arguments also make short appearances, some more serious than others; two examples are the following: the idea that of the Senate as an old boys' club with a perfect, even membership of one hundred, and the idea that other cities would want the same privileges as the District, should it acquire representation. The goal of this section is not to define and delineate all the separate arguments for and against District enfranchisement; that is another task altogether, and a difficult one, considering the often arbitrary or elusive line between modes of reasoning. Instead, solely focusing on the topics of race and partisanship—two of the most provocative topics in politics, today and fifty years ago—sheds light on an aspect of the District enfranchisement debate that has not attracted much scholarly attention. Establishing the bearing of these two topics on the District would bring separate areas of study together. I hypothesize that implicit racial references are more prevalent in 1960 than in the subsequent periods; that as racial references wane, partisan references take their place. I expect the ratio of racial to partisan references to be approximately 70-30 in 1960, 50-50 in 1978, and 80-20 in 2007 and 2009.

Literature Review

To determine which elements of Congressional discourse should be considered as racially-tinged or politically-primed, I will build off and expand from examples in the scholarly literature to come up with my own coded words that apply specifically to the D.C. voting rights issue. Attributing partisanship and race as reasons for the lack of D.C. voting rights could be controversial, because it would change the tenor and meaning of the debate, and prove that Congress was not immune to the racial and partisan undercurrents that may have influenced them. This would show Congress' decision-making process on this issue to be more subjective than it may have appeared on the surface. Although the intent of the Founding Fathers and the

interpretation of the Constitution—both more objective foundations of interpretation—seem to be the apparent forces at work in their decision-making process, it is impossible to determine what other concerns underlay these overbearing ones unless we examine the role that race and partisanship have played in Congress. Finding partisanship and race as a basis for members' of Congress logic would mean that they started from a more biased premise regarding D.C. voting rights.

It is safe to say that all (or almost all) members of Congress are not openly racist, in either 1960 or now. While they can be openly partisan in certain suitable contexts—such as elections—many do not want to seem partisan in a blatant and barefaced way when partisan politics is not the main issue at hand. To be accepted in modern politics, one cannot come off as overtly racist without being decried by the public and media.[140] Scholars have developed a body of literature about "coding"—that is, code words that serve as stand-ins for words that are impermissible in public discourse, especially if a member of Congress wants to be reelected. These coded words can be as small as one word or as large as a phrase or sentiment. Whereas the public expression of racist attitudes has declined in recent decades, the actual expression of such sentiment may still persist, only couched in subtler and more nuanced language.[141] One of the preeminent scholars on coded language, Tali Mendelberg, shows that "racial issues have been approached rather obliquely in most federal and state elections"—at least, verbal expressions of these issues. Hers was the first definitive work on the topic: "[U]nderlying Mendelberg's approach is the assumption that racial attitudes are still a potent force in American politics"—an argument that numerous scholars have supported.[142]

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[140] Howard Schuman et al., *Racial Attitudes in America* (Cambridge: Harvard University Press, 1998).
[141] Tali Mendelberg and John Oleske, "Race and Public Deliberation," *Political Communication* 17(2000):169-191.
[142] Nicolas Valentino, Vincent L. Hutchings, and Ismail K. White, "Cues that Matter: How Political Ads Prime Racial Attitudes during Campaigns," *The American Political Science Review* 96 (2002): 75-90.

To determine what meanings these words and phrases communicate, I return to the experts on coding for implicitly racial language. Valentino, Hutchings and White argue that "[c]oded language, as understood by large segments of the population, affords elites the opportunity and incentive to activate racial thinking without 'playing the race card'."[143] This coded language comes in different forms. Kinder and Mendelberg reveal that the implicit racial dimension can affect white respondents' answers to survey questions that do not overtly refer to race. For instance, where 20% of white respondents support for increased spending on welfare, 60% support increased spending for the *poor*. When the wording was changed, that figure tripled.[144] In effect, when survey questions include "code words" that prime white respondents to consider blacks, they are less likely to respond favorably. Thus, "the race 'coding' of crime and welfare in the minds of many Americans leads to the possibility that invoking these concepts, even without explicitly referring to race, can activate racial thinking."[145] However, if such coded words become too obvious and pass the threshold of subtlety, then they can turn off voters, who would reject them because they "violate the norm of equality."[146]

Whereas Mendelberg mostly focuses on racial imagery, other scholars have shown that verbal cues are racially coded as well. The Willie Horton ad is a prime example of racial imagery. Mendelberg demonstrates that although the media did not label the ad as overtly racist, the public was still affected by its racial undertones. It thus qualifies as a "strategic use of a racial symbol" for effectively flying under the radar.[147]

Hurwitz and Peffley found that whites' racial attitudes are activated when it comes to even subtle racially-linked language. By asking whites whether they supported funding for

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[143] Ibid.
[144]Tali Mendelberg and Daniel Kinder, "Cracks in American Apartheid: The Political Impact of Prejudice among Desegregated Whites," *The American Political Science Review* 57(1995): 402-424.
[145] Valentino, Hutchings and White, 2005.
[146] Ibid.
[147] Mendelberg 2000, 138.

prisons for "violent criminals" or violent *inner city* criminals" they demonstrated a substantive discrepancy when it comes to whites' responses.[148] This result not only proves that "inner city" is a subtle, coded word, but that it may change whites' decisions when they hear it, whether consciously or not. Racist sentiments that were once expressed explicitly—e.g. about blacks' laziness or immorality—now contravene the norm of equality, and are shunted below the surface.[149]

A study of two community meetings—one all white, and one racially integrated—on the topic of school desegregation highlights the use of racially- and racist-coded language from the white pro-segregation members.[150] Such words as "property tax" (the fear that it would be lowered), "white flight," and words pertaining to fears about the worsening of their children's education were used by white members to express implicitly racist concerns. Though I will not be tape-recording two meetings about integrating schools, my object of study is similar: I will examine the transcripts of Congressional debates and meetings for similar coded language.

From an overview of coded words, it is possible to expand from the literature and define more coded words that would more likely be found in the Congressional Record on this issue. One such example is the idea of "readiness" or "preparedness" for representation. As Gunnar Myrdal underlines, during the periods of black disenfranchisement in the South, white paternalism attempted to reinforce the idea that blacks were inherently inferior.[151] From this foundation, segregationists could argue that blacks were therefore "not ready" for the vote, that they would be incapable of using this privilege, making the above phrases part of the amalgam of implicitly coded racial words compiled here.

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[148] Jon Hurwitz and Mark Peffley, "Playing the Race Card in the Post–Willie Horton Era: The Impact of Racialized Code Words on Support for Punitive Crime Policy," *The Public Opinion Quarterly* 69(2005): 99-112.
[149] Mendelberg, 2001.
[150] Mendelberg and Oleske, 2000.
[151] Gunnar Myrdal, "American Dilemma: the Negro Problem and Modern Society," *Black and African-American Studies* 2(1965): 760.

From this overview of the scholarly literature, it is clear that implicitly coded meanings could appear in a variety of forms and in a range of contexts. As I moved on to developing my own list of words, the scholarly literature bore heavily on my thinking, so that the new words would not come out of nowhere but would rather be supported by a solid foundation of expert consideration and thought.

Methodology

My data will consist of this material during Congressional debates on the floor and in committee concerning the Twenty-Third Amendment, the proposed Twenty-Seventh Amendment, and the 2007 and 2009 bills. Based on the scholarly research, I will determine what words, phrases, or sentiments represent codes for these two variables. More specifically, my independent variables will be the coded words that represent race and partisan politics, and my dependent variable will be the Congressional support or opposition to these bills in the speeches, debates, and discourse of members of Congress during these periods, which I will find in the Congressional Record's account of the ultimate votes of each member of Congress on the bills and amendments. I will count the frequency of use of these words and cross-tabulate them against support and opposition to these bills as well as the party membership of the members of Congress.

To collect data for support/opposition, I will use the votes of the members of Congress as evidence of their support. If members of Congress voted against the bill or Amendment,[152] then I will put them in the "opposition" category, and vice versa. Support and opposition for District suffrage might seem like a basic, black-and-white category, but in Congress, it can get muddled with other considerations. That is to say, a representative may ultimately vote against a bill

[152] Or expressly voiced opposition to the bill and then paired his or her vote with another member of Congress but did not ultimately vote.

because of a poison pill amendment.[153] I will consequently not only take the final vote into consideration, but also consider whether the representative spoke out in favor or against the bill first, and this will override the ultimate vote if the representative mentions his or her support for the bill but says that he or she cannot vote against it for other reasons.

With definitions in hand as to what counts as racism or political partisanship, I will then review the speeches of the Congressional representatives in the Congressional Record for occurrences of these terms. I will count the number of times these coded words and phrases are mentioned to determine the significance of race and partisan politics in these debates. In order to have a representative sample, I will review the entirety of the Congressional debates on the floor for these two amendments and two bills. In order to determine the influence of race or partisan politics, I will count the number of times words referencing these motivations are used, and whether they are used for or against D.C. voting representation, and whether they come from Republicans or Democrats. This count will determine the percentage of times each word is used, as well as their correlation with support or opposition. With this count, I will determine whether the influence of these four factors has waned or waxed over the time period of the four bills.

Implicit admission on the part of opponents that their decision-making process was influenced by race and partisanship would reveal another side of the way Congress works that is worlds away from the more objective veneer of basing opinions on legal precedent or an interpretation of the Constitution. Supporters for D.C. voting representation, on the other hand, may use such language to accuse opponents of racism. Thus it is more likely that the reverse may be true—that is, overt references of race in speeches in support of voting representation. I will examine and count the number and relative percentage of references of race and partisanship in

[153] Marisa Katz, "DC Voting Rights and the Poison Pill," *The Washington Post*, March 3, 2009, http://voices.washingtonpost.com/local-opinions/2009/03/dc_voting_rights_and_the_poiso.html.

speeches for D.C. voting representation to determine whether these factors are used more by the supporters or opponents. I will record whether supporters use this sort of language both in support of the bills and in accusing the opponents of such language use. By recording both the counts of these words used by the supporters and opponents in Congress, I will determine whether such potential accusations would be justified.

Although the presence of these words or phrases might not prove intent or motivation, they nevertheless will show that these terms will have had a role to play in the debates over these bills, whether implicitly or explicitly, purposefully or unconsciously. Regardless of intent, the effect of these words will show what the representatives view as legitimate to have said, especially with regards to race and partisanship. Moreover, a change in their usage and frequency over time will reveal the evolving roles of race and partisanship in the context of this debate. I will conduct both a qualitative and quantitative content analysis of the speeches and debates, by counting the number of times certain words or phrases are mentioned, and then by explaining them in their context. I will then have the standing to emphasize some of them as emblematic examples, in contrast to the selective, anecdotal quotes that other scholars have used, which may not have been representative. Even though references to partisanship and race—especially the latter—do not characterize the debates of the bills overall, it is nevertheless important to define the role that race and partisanship have played over time, in order to determine precisely what role they *have* played, rather than what role pundits, supporters, opponents, and District residents accuse them of playing.

My Coding

For my own coding, I will use the following words and phrases as code words for racially implicit messages to determine whether and to what extent race was a factor in the Congressional

debates. Although these words are not exactly the same as those scholars have used, I am building off their work and extending it specifically to the D.C. voting representation issue. Mention of important black leaders in the D.C. community—especially Marion Barry and Jesse Jackson—are often looked to as spokesmen for local and national black interests. Mention of these two, who would likely have become senators or congressmen if D.C. gained voting representation. Although their names have nothing to do with the legality of voting rights, however, any mention of them likely would amount to implicitly racial references. Marion Barry's mayoral tenure was marked by scandal and corruption, and it has been argued that some would fear giving D.C. representation if it went into the hands of someone like him, as a black leader in D.C. Mention of Barry therefore would also imply connotations of corruption.

References to crime or social welfare are often racially-coded.[154] From this basis, I expand and adapt the template to include words specific to the District that should be considered racially-coded if addressed in the D.C. voting representation debate, as they have no ostensible relation to the issue of representation. The words are marked with an I or an E to indicate implicit or explicit racial references, respectively. Other words that I consider racially-coded and will use to evaluate the content of the Congressional debates include:

> Welfare (in the sense of public aid) (I)
> Inner city or Anacostia (the poorest neighborhood and famously black neighborhood) (I)
> Food stamps (I)
> "Not prepared" or "not ready for" representation (I)
> References to the poor educational system: dropout rates, crime in schools, literacy (I)
> References to crime: violence in schools, homicide rates, drug rates (I)
> Race, racism (E)
> States' rights (I)
> Slavery, three-fifths (E)
> Blacks, Negroes, Colored people, African-Americans (whether or not in proximity to the above words) (E)
> Poll tax (in proximity to overt references to race; see above) (E)

[154] Ismail K. White, "When Race Matters and When It Doesn't: Racial Group Differences in Response to Racial Cues," *The American Political Science Review*, 101(2007): 339-354; Martin Gilens, *Why Americans Hate Welfare* (Chicago: University of Chicago Press, 1999).

Marion Barry, Jesse Jackson (I)

Implicit in these terms and sentiments are racial connotations. Anacostia is a poor and famously black neighborhood in the region. The idea that the city might not be "prepared" or "ready for" representation relates to both a racist idea that the majority-black city might not be capable of handling itself, and overlaps with connotations of corruption. Moreover, these subjects should have little to do with representation. Yet, if I find that they are mentioned, that will amount to evidence for the influence of race in the discussion. The placement of these words will also partly determine the level of racial connotation: the closer these words are to overt references to race or African-Americans is relevant because this would show that these words do not crop up in the debate apropos of nothing, but rather that they are intrinsically tied to racial meaning. For instance, if a member of Congress expresses the idea that the District is not ready for autonomy or representation, and mentions the racial makeup of the District in one breath, that could indicate that the speaker associated the unpreparedness of the District with its black majority.

I will also include mentions of overt and explicit racism as part of my data collection of opposition to D.C. voting representation; mentions of the high percentage of blacks in the District as an argument against voting representation is a blatant, if doubtful, argument that I may find on the floor of Congress on the part of the opponents.

Coding for Partisanship References

In terms of partisanship, there has been less research on what counts as coded words. Consequently, I will necessarily use tighter requirements for what words code for partisanship. Unlike race, partisanship is less of a taboo topic, although it may seem out of place to some in moral or ethical debates on the nature of voting in America. Although there is a normative

dimension to the D.C. voting rights debate, there is also a practical one, which is why there is less of a need for subtlety or coded language when it comes to overt partisanship. Mention of D.C. as an extremely liberal or Democratic district clearly brings partisanship into play, without the necessity of coded language. These words will include:

Democrat, Democratic
Red [state], blue [state]
Right[wing], left[wing]
Liberal
Conservative
Republican
Partisan[ship]
Neutrality
Party politics
Compromise/fair/balances out/evens out, especially when in proximity to "Utah"
References to other compromises: e.g. Alaska/Hawaii, admission of Northern/Southern States

The following words were not originally on this list, but after their frequent use became apparent, they were added:

Dangerous
Bankrupt

The words dangerous and bankrupt may also hold implicitly racial meaning: as has been established, the link between unpreparedness, violence and race is clear, and these words fall into the same category. A thirty-day study of the portrayal of blacks in network television news demonstrated that blacks were often portrayed as "the sources or victims of trouble,"[155] having to do with crime-related stories and connoting such words as dangerous. The study found differences in the way blacks and white were portrayed when involved in crime/drug stories: the former were less likely to have pro-defense sound bites. Further, a disproportionate amount of stories about black leaders had to do with them committing a crime and critiques of government

[155]Robert M. Entman, "Representation and reality in the portrayal of blacks on network television news," *Journalism and Mass Communication Quarterly* 71(1994): 510.

policy, leading to connotations of citywide bankruptcy and other problems.[156] Marion Barry was one of two black leaders who received the most attention due to his drug possession convictions.[157] The study concluded that while the stories reflect specific truths, they inaccurately imply implicit racial links to corruption and violence.[158]

It is necessary to be very careful when applying these coded words to a political debate, because they do not always have the same meaning in the context of a carefully monitored experiment as they might on the floor of Congress. For instance, "welfare" in the context of Congress may refer to the *general welfare* rather than *social* or *state welfare*. I make not therefore that the definitions and categories of coded words are always somewhat ambiguous and cannot be perfectly pinned down. In addition, not all racial cues can be applied across the board. Whites and blacks respond differently to implicitly racial cues.[159] Based on the precedent of these studies, however, they provide a foundation to which I can return to support claims of implicit language. Still, at each stage, I will also consider alternative interpretations of these coded words.

Although I will be counting the number of times these coded words are used, I will not act as a blind computer. Having reviewed all the relevant debates, I will be equipped to pick out, interpret and analyze certain representative speeches, and dissect the contexts of the uses of these words. For instance, I will not count such phrases as "the Democratic senator from New York," or other obviously alternate uses of the word Democratic. I will also count words such as "fair" and "evens out" and "balances out," when in the context of distributing a representative to the District and to Utah, in order to cancel each other out, a clear example of the influence of partisanship.

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[156] Ibid., 515.
[157] Ibid., 514.
[158] Ibid., 517.
[159] White, "When Race Matters."

Data and Analysis

I present here the tabulation of partisan and racial references, cross-referenced against political party and support and opposition. The full tables of all the individual partisan and racial references are in Appendix A.

1960	Supporters			Opponents			Both
# References	Democrats	Republicans	Total	Democrats	Republicans	Total	Sum
# Racial References	26	21	47	3	3	6	53
# Partisan References	0	3	3	0	0	0	3

1978	Supporters			Opponents			Both
# References	Democrats	Republicans	Total	Democrats	Republicans	Total	Sum
# Racial References	11	2	13	1	17	18	31
# Partisan References	9	5	14	2	14	16	30

2007&2009	Supporters			Opponents			Both
# References	Democrats	Republicans	Total	Democrats	Republicans	Total	Sum
# Racial References	19	0	19	0	6	6	25
# Partisan References	24	9	33	0	11	11	44

Summary of Data, 1960

In 1960, the main discussion of the proposed amendment took place on February 2 and June 16 in the Senate and June 14 in the House. The ratio of partisan to racial references was 5 to 94, far surpassing my expectation. Partisan references occurred only three times from supporters: twice from Celler, and once from Rep. Jennings Randolph (D-WV), both of whom supported the measure. By alluding to partisanship, they were both making the point that the amendment had

bipartisan support and should easily garner both parties' favor and pass Congress. Most of racial references came in the form of mentions of the poll tax in relation to the District portion of the amendment, and these occurred 30 times. Although there were many racial references, they came from few speakers. Only five actually spoke of the poll tax, and they were: Keating, Holland, Celler, Rep. Johnston (D-SC), and Eastland.

Using my metric to count racially coded words and phrases, I found that other racial references (aside from the poll tax) occurred with some frequency as well. In total, there were 47 racial references from supporters: 26 from Democrats and 21 from Republicans (the main speakers being Holland and Keating). 3 references came from opposing Democrats and 3 from opposing Republicans, totaling 6. These references came from a slightly wider selection of senators and representatives. The majority of these references amounted to members of Congress putting the District in the context of the Civil Rights Movement. In addition to Keating, Holland and Celler, several others who spoke made either implicit or explicit racial references: Golding (R-AZ), Javits, Alger (R-TX), Matthews (D-FL), Toll (D-PA), Foley (D-MD), Curtin (R-PA), Multer (R-NY), Udall (D-AZ), and Beall (R-MD). All of these Congressmen made between one and three racial allusions. Most made only one, and those who referenced it multiple times did so within the confines of one speech.

Assessment of Data, 1960

Partisanship References Patterns

During the 1960 floor debates, we can see that there was very little mention of partisanship or party politics: three mere references about the bipartisan nature of the bill, when compared against almost one hundred pages of the Congressional Record, amount to very little. This insignificance of partisanship indicates that partisanship was not much of a factor at the

time—or at least, that it was not a controversial or divisive factor that merited much discussion. The very lack of allusions to partisanship—whether overt or implied—serves as evidence of its relative irrelevance at the time. Only two representatives referred to partisanship, and these references actually indicated that they considered partisanship to be a nonissue, as they used words such as "compromise" and noncontroversial." From the little data, there is not much that one can conclude from the fact that both were Democrats and neither came from the South. In 1960, the supporters spoke by far the most in the floor debates, and this is contributes to the reason that they made more racial and partisan references than did the opponents.

Racial References Patterns

The fact that most racial remarks related to the poll tax or the Civil Rights Movement invalidates part of my hypothesize, as I predicted that racial references would be more prevalent and come in more forms than they did. I hypothesized correctly that the ratio of partisan to racial references would be more than 30/70. It should not come as a surprise then that racial references occurred throughout the speeches and came from both sides of the aisle. Despite the lack of coded words that I referred to in the literature review, the linkages to the poll tax ban and the District's placement in the Civil Rights Movement show racial ties. That this sort of characterization came exclusively from supporters indicates that they aimed to make the concept a racial one, probably to garner support or shame opponents into voting for the measure. Only a few references did not fall into this pattern, and because they largely came from the lips of supporters, it is hard to compare the way the two sides characterized race in the debate. More significantly, the finding that supporters tended to bring up race points to their aim to draw the District and race closer to one another on a conceptual level.

Because most of the racial references related to the poll tax or the Civil Rights movement, they are classified as implicit, and not repeated here. There are only a few racial references that did not fall into the above categories, and almost all of these are explicit racial references. Some were passing remarks, such as when Keating said that "no citizen, white or colored" should be denied representation. A few were implicit, such as Keating's quotation that "[t]hree fourths citizenship or three fifths-citizenship is better than no citizenship at all"—an allusion to slavery and the three-fifths compromise, after it became clear that District residents would obtain only an abridged form of voting representation. Although at first glance it may seem like these references came in many different stripes, from this analysis of their implicit and explicit meanings, it appears that they in fact served a similar purpose: to racialized the issue of D.C. voting representation and connect it to the greater momentum of the poll tax ban and Civil Rights Movement.

Summary of Data, 1978

The references to partisanship and race show a much more evenly split breakdown relative to the small quantity of references from 1960. In total, there were 31 partisan references and 30 racial ones—almost 50-50, as I hypothesized. The racial number does not include references that had to do with both urbanism and race; I categorized separately references that were both racial and urban in nature. Of these urban/race references, 14 came from members of Congress who ultimately opposed the bill, and 9 came from supporters.

In the opponents' speeches, there were 18 partisan mentions and 20 purely racial mentions (and counting the urban mentions, there were 34 racial mentions). The supporters' speeches included 14 partisan references and 15 racial references.

Republican supporters referred to race twice and partisanship once; for Republican opponents, race 17 times and partisanship 14 times. For Democrats, supporters mentioned race 11 times and partisanship 9 times; and opponents once and twice, respectively.

Assessment of Data, 1978

References to the two topics at hand occurred with approximate even frequency in the speeches of those who voted against the amendment. Neither the opponents nor the supporters talked substantially more about race or partisanship than the other group, which would imply that the topics were of equal importance to both opponents and supporters. In 1978, the count of references to partisanship and race show a much more even split relative to the small quantity of references from 1960. With 14 partisan and 13 racial references, the supporters talked evenly about both topics in their advocacy for the amendment—almost fifty-fifty. The Republican-Democratic divide on references shows that neither topic was anathema to either party.

Partisanship References Patterns

A few trends are noticeable in the content of the speeches. There are several predominant ways that Congress brought up the topic of partisanship: 1) by emphasizing the bipartisanship of the amendment, 2) highlighting Republican support, 3) arguing that the amendment is liberal in nature and will not succeed and 4) alluding to political pressures, necessary compromises and exigencies of the legislative process.

For the yea-voters alluding to partisanship, a majority of them were eager to point out the bipartisan support of the amendment. Several argued that the amendment should not be a liberal or conservative, or Republican or Democratic issue. Both Kennedy and Rep. McClory (R-IL) especially highlighted the fact that support for District representation was in the 1976 Republican platform. Yet the fact that both Kennedy and McClory—an New England Democrat and a

Midwestern Republican—emphasized not both major political party platforms but rather only the Republican party platform by name—indicates that Republican support may have started to dwindle at this point, or, at least, that Republicans were noticing the increasingly blue hue of the District.

Yet the speeches of others demonstrate that this is not an issue where party lines have been clearly delineated. Rep. Findlay (R-IL) stated: "I am glad the party of Lincoln was prominent in the success of the [1960] constitutional amendment." For him, this was not a matter of shame but of pride—yet his pointing it out suggests its rarity all the same. The idea that the whole idea of voting rights for the District was futile came from Hatch, who said:

> "I notice that some of the liberals here in Congress who know darned well that this amendment has almost no chance at all at being ratified by 38 States…it is a good political issue I suppose, if you can convince people that the four 'too's' really are accurate….so for all the liberality, for all of the desire to give the District citizens a right to vote, this is simply not the way to do it. It is a nice political approach, but it is not the way to do it."

While denying the salience of Kennedy's "four too's," Hatch squarely attributed the futility of the amendment to the political reality, and at the same time makes it clear that the amendment is much closer to the hearts of liberals in Congress than to conservatives'.

Racial References Patterns

Perhaps surprisingly, race came up more overtly in 1978 than it did in the 1960 debates, when it was often referred to through the vehicle of the poll tax and states' rights. There are two main ways members of Congress referenced race: 1) supporters mentioned race as a way to shame opponents, and 2) opponents denied that race was a factor in their decisions. Under the umbrella of the first category, supporters referred to the changing demographics of the city in order to prove to the alleged racist members of Congress out there that the city was not as predominantly black as some would assume. As Hatch said,

> "As a matter of fact, it appears the proportion of blacks is decreasing, in proportion to the number of whites, to the point where some are indicating that the proportions will be about 50-50….probably by the year 1990, certainly by the year 2000….but there is an argument which can be made along those lines."

He was not necessarily arguing whether the changing racial demographics were a good or a bad thing; rather, he was pointing out that the demographic change demonstrates that voting against the amendment due to of racial prejudice—would not be valid. The fact that he brought up these future statistics indicates that he still thought that race was a factor for some members of Congress, who would be disinclined to vote for representation for a majority-black city. Consequently, his claim reveals one other thing which he likely did not intend: that the District is intrinsically tied to blackness in his mind.

Another typical mention of race follows the pattern of linking disenfranchisement with blackness: Rep. Mazzolli (D-KY) said: "This denial of representation has relegated the residents of the District of Columbia, 70 percent of whom are black, to the status of second-class citizens." Instead of skipping the middle clause, he stresses the racial demography, an indication that race and the city are intertwined in his mind and in the minds of those who were to vote on the issue.

It is during this period that that Senator Kennedy made his famous quip:

> "Opposition so far has seemed to arise from four 'toos' on the part of some Members of the Senate—the fear that Senators elected from the District of Columbia may be too urban, too liberal, too black or too Democratic."

Kennedy's speech gave some opponents of the amendment a chance to directly counter his assertion. Most of the opponents who reference race do so in order to declare that they are not racist by opposing the measure. They declare that there was no racial connection or motivation between their position and their vote. Senator Helms (R-NC) stated:

> "The black citizens of the District of Columbia and the black citizens across America should not be deluded by this bit of gamesmanship…This proposition, Mr. President, is a charade. It is misleading the black citizens—not only of the District of Columbia but also

> the black citizens of North Carolina and all the other states…Let us not slide the issue by injecting other issues, such as…the denial of the fact that racism may be a quotient in the arguments and the emotions in this debate."

Here, Helms—whether consciously or not—put the District in the same category as other states with large populations of black citizens, hinting that he thought of the District as a black city, because black citizens might look to the District as a cause they relate to. In practically the same breath, he denied that the issue should a racial one, and implied that others insert race into the equation in an effort to convert naysayers through shame. Even though he argued that to him the issue is not affected by race, he explicitly touched on a theme that he thought pervaded a wider consciousness: that the issue was racialized generally in the public, or in the Congress, at the time.

Although I expected to find implicit references alluding to "urban" problems in the District regarding inner city violence, I found instead the opposite. Opponents complained of a lack of "diversity of interests" because they considered the federal government the only interest. For instance, Senator Garn (R-UT) said:

> "Washington, DC is simply a city dealing with purely urban problems, and some very difficult ones, more difficult than a lot of other cities because of the presence of the Federal Government. So it is unique among cities."

I would have expected Garn's thought to end with not urban problems regarding the federal government, but rather inner city crime. The lack of references on these implicit topics implies that these themes are so taboo that they are not mentioned even implicitly, or that they were not thought of at all.

As for supporters, they made a point to refer to the continuation of the civil rights legacy and the impact of adding an urban district to Congress as a way to advocate for the cause. Sen. Leahy's (D-VT) is case in point: he referred to the importance of giving the District

representation despite its solely urban population. Such a statement could fall under the categorization of implicitly coded racial language, using this word to encompass not only urban residents but likely black ones as well, perhaps shaming the other side into support.

Summary of Data, 2007 and 2009

In 2007, there were 11 racial references and 28 partisan ones. This time, the racial references came only from the supporters (all of whom were Democrats), and none at all from the opponents. Supporters made some reference to partisanship 21 times, while opponents did so 7 times. Of these, there were 14 references from supporting Democrats, 5 from supporting Republicans, 7 from opposing Republicans, and two from an aye-voting independent (Senator Lieberman of Connecticut). The tally represents a 29-71% split of racial to partisan references, almost exactly as I hypothesize.

In the 2009 discussion, supporters made partisan references 22 times, and naysayers only 4 times. Regarding racial references, those in favor made 9 references, and those against 6. Breaking down those references further, most of the references were not purely racial but instead couched in other implicitly racialized language concerning violence or education, especially in relation to gun violence and the gun amendment, as well as school violence and the poor education system. Supporters referred to guns and urbanized violence 11 times, compared to opponents' four. Partisan references came from Democrats 10 times, Republicans 4, and Senator Lieberman (VT), an independent, 8 times. Concerning the District's education problems and race, one reference came from the supporters, compared to the opponents' two. The total split of racial to partisan references was 15/26 in 2009, which comes out to 36/64 percent, a few percentage points off from the results from 2007.

Assessment of Data, 2007 and 2009

Thirty years later, the amount of references to race in 2007—11—challenges my hypothesis that racial references would have faded out of the conversation by the twenty-first century. Even though the percentage of racial references slightly exceeds my hypothesized threshold, their persistent presence shows that the racial connotations have not been taken off the table and were still connected on some level to the District. Racial references came, however, only from the mouths of the supporters. The racial and partisan references had a more apparent demarcation. The fact that only supporters brought up race indicates that they still consider the issue racialized, whereas the opponents do not consider it or do not wish to acknowledge it as such.

Although supporters made partisan references over twice as many times as the opponents did, this could easily be attributed to the fact that the supporters spoke more than did the opponents, and speeches in favor of the bill took up more room in the Congressional Record relative to opponents' speeches. It is clear that partisan references were constant and consistent in 2007 and 2009. Because Democrats made up the majority of supporters, they made most of the partisan and racial references, and the reverse holds true for the Republicans as opponents.

Racial References Patterns

As for racial references, many of them came in the form of mentioning the racial demographics of the city, in the same way that some members of Congress did in 1978 with the likely intent of shaming the opposition into voting yea. A second group is made up of references to urban violence. It makes sense that members of Congress placed a greater emphasis on urban violence in 2007 and 2009 than before: a large part of the debate centered on John Ensign's (R-NV) gun amendment, which would end the District's tough restrictions and bans on guns, including assault weapons and concealed weapons. It is therefore logical that controversy

stemmed from gun control—an issue that is divisive on a national scale—bringing the District's own violence and gun problems to the fore of the debate. Still, supporters made a bigger deal of this than did opponents: ten versus four references. For supporters, the issue was still a matter of racial injustice, given the District's black majority, whereas opponents did not have the same perspective.

Representative Cummings' (D-MD) remark is a prime example of the first class of racial references. He stated that District disenfranchisement "disproportionately impacts the African-American community" and also highlighted that "fifty seven percent of the population…no other state in the union has a larger percentage of black residents." It would be unlikely that he would bring up the percentage of black residents in the District for no reason. His emphasis on this point suggests that the correlation between the demographics and disenfranchisement are not by chance, and voting for this bill would be righting a racially discriminatory wrong.

Third, racial references came in the form of tying this bill to an earlier civil rights legacy, not unlike the way members of Congress drew parallels between District suffrage and the poll tax ban and Civil Rights movement. Undeniable references to the continuation of the Civil Rights Movement occurred in 2007 as well. Alluding to the present threat of a filibuster, Sen. Clinton (D-NY) observed: "The Senate has not filibustered a civil rights bill since the summer of 1964 when it spent 57 days including six Saturdays on the Civil Rights Act of 1964." Clinton here did the same thing as did her predecessors in Congress in 1960: aligned the current cause with cause more prominent in the cultural consciousness. This also served as a way to shame members who would be categorized as as backwards as those who filibustered this famous act.

Partisan References Patterns

The parallel results between the 2007 and 2009 data indicate that the 2007 data were not just a one-time result but rather repeated again two years later. Like in 2007, partisanship features prominently in the debate. This is due to the nature of the bill, which includes additional representation for both the District and Utah, predominantly Democratic and Republican regions, respectively. Certain patterns of argumentation predominated. First, members of Congress repeated praise of this show of bipartisanship frequently throughout the floor debate. Second, opponents did the reverse: they complained of the injustice of the so-called compromise, calling out the partisanship as unfair. A particular strain of the justice of the compromise argument was repeated: that the compromise was just because it did not tip the scales politically, and that this evenness meant that it was therefore just. Lieberman called it "one of the best" solutions because it was so bipartisan, which made it a "pragmatic agreement." In the same speech where Lieberman recognized the necessary partisanship, he also stated:

> "The truth is that for too long now partisan concerns have stopped Members of Congress from doing what they knew was right, which is to give residents of the District voting rights. And the partisan concerns are understandable, even if they should not have blocked the result."

His disappointment in his colleagues implies that he does not think this compromise is an admirable, elevated one, but rather a clever, practical one necessary to solve a more serious problem.

Not everyone thought this was a fine deal however; McCain was outspoken in his rejection of this manifestation of "partisan horse-trading." Though he called it a "compromise bill," that does not mean he approved of the compromise at hand. He recognized the reality of the situation, and his remarks make the same point as those of such supporters as Lieberman:

> "[A]n idea of a compromise bill to balance a House seat for the District of Columbia…which obviously we assume would be won by a Democrat, with a seat for a congressional district in Utah, which most assume would be won by a Republican."

Here he expounded not only what he thought was unfair—the inherent partisanship of the compromise. This partisanship for him served the dual purpose of transforming the compromise from an elevated, legal one to one about partisan preferences. His quotation exemplifies the second group of reasons, ones that acknowledge the partisanship at play and call it unfair. From this, we have established that references to partisanship were in full force, more explicit and replete throughout the Congressional Record at this time.

Discussion

The results of the data add nuance and defy several of my hypotheses, and also bring to light several significant new findings. While I did not entirely prove my hypothesis, this chapter illustrates that partisan and racial references occurred concurrently and that members of Congress treated them as distinct elements. I found a dearth of partisan references in 1960, as I predicted, yet contrary to my expectations, racial references continued into 2007 and 2009 and did not fade away completely as I hypothesized. Many of the implicitly coded words that I expected to appear did not; instead, more explicit references of both race and partisanship—on the part of supporters—were a significant presence. The increase in partisanship references from 1960 to 1978 and from 1978 to 2007 and 2009 represents a shift in the conceptualization of the issue as one of political importance, and also reflects the growing polarization of national politics.[160]

While racial references were always present, the way in which they appeared shifted—from allusions to the poll tax and wider movements to more local references to D.C. itself. I hypothesized that race would have less purchase and be referenced less in the later periods. The number of racial references that occurred in 1978 and 2007/2009 shows this not to be true; in

[160] Barbara Sinclair, *Party Wars: Polarization and the Politics of National Policy Making* (Norman: University of Oklahoma Press, 2006).

fact racial references were present in all four periods, although they fell into shifting categories. My supposition that implicit, coded racial terms would occur throughout the records of the four periods was largely false; although there were some racialized mentions of urban living, inner city violence and educational problems, they were rare, when half a dozen mentions are compared against hundreds of pages of the Congressional Record.

More significantly, while the patterns of racial references changed over time, there also remain some key consistencies. Allusions to the Civil Rights Movement and District suffrage as an element of this legacy never faded away. Overt references to race and the black population of the District were more common in the three later periods than in 1960. References to race explicitly denying the role of race—that the black population of D.C. was a relevant factor—became more prevalent as well. At the same time, implicit references to urban problems also cropped up, largely due to the amendments to the 2007 and 2009 bills dealing with gun rights and ownership, which made these topics more salient than they were before.

This list and explication of the racial and partisan references compiled in one place make the Congressional Record on these four bills seem littered with allusions to these two subjects. The reality, however, does not correspond with that supposition. Racial references were never as common as earlier scholars—as summarized in the literature review—argued. The evidence suggests that while race was indeed a factor in Congress' determinations on the bills in all four periods, it was never the main or even a significant topic of discussion. It appears, instead, to have been pushed to the sidelines, only emphasized by a few who wish to stress one of several arguments, especially the following ones: 1) that the racial makeup of the District and its disenfranchisement is shameful and not by chance, and 2) that voting for these propositions fits in a Civil Rights legacy.

Regarding partisanship, several interesting patterns emerged from the data. The topic went practically unmentioned in 1960 and increased from that point on, which corresponds with my hypothesis. The data charts the increasing pervasiveness of this theme. It is important to note that the 2007 and 2009 bills were intrinsically more partisan than the earlier amendments. By paring a Utah representative against a District one, the presumptive intent was to balance out an additional Democratic vote against a Republican one, making partisanship necessarily more relevant to the content of the debates. Yet the fact that the bills were designed this way, in addition to the fact that partisanship featured so heavily throughout the debates points to the prospect that the partisan balance weighed heavily on their minds. The compromise of not tipping the balance of party power in Congress characterized the 2007 and 2009 Congressional Record, which reveals that during this time period, members of Congress of both parties took the District's liberality as a given. This was true in 1978 as well, a finding I did not entirely expect. During the 1978 discussion, several members of Congress felt the need to emphasize their support for the District despite their being Republican, as if this could be a conflict of interest. In both time periods, but more apparently in 2007 and 2009, supporters characterized the compromise as bipartisan and fair, and opponents as blatantly partisan and unjust, precisely the reverse.

Overall the data show that there was a dramatic increase in the discussion of partisanship. While the mention of race waned, it did not disappear. The general paucity of implicitly racialized terms defied my hypothesis, yet the patterns of racial references I did find add nuance and constitute an important finding, as racial politics seep into Congress. When these references were present, there was often a good reason, such as the debate over the gun amendment.

This chapter has shown the continual relevance, though on a small scale, of race and partisanship, and that the appearance of these terms is more intricately threaded throughout the Congressional Record and the perception of the District of Columbia. Race, while not a significant presence in the Congressional Record, may have been present elsewhere in the D.C voting rights debate; scholars who argued for the importance of race in the D.C. voting rights debate should look to backroom Congressional dealings, to personal writings and records of members of Congress, or to the media. Race still may be present in all of these places—either explicitly or implicitly.

This study provides a new way of examining not only the topic of D.C. voting rights but also the Congressional Record as a new source material. Applying the coded language methodology—which scholars have generally applied to the news media—to Congress' record of the discussions on District enfranchisement have allowed for a combined qualitative and quantitative study of the implicit and explicit references to race and partisanship in a way that has never been done before.

This methodology, as applied to the Congressional Record, has unveiled the patterns by which race and partisanship are expressed. The separation between supporters and opponents was vast across all periods; supporters have much in common with each other than with their contemporary opponents, and vice versa. Racial references in all periods came largely from supporters, except when opponents denied the salience of race in their decision-making. Supporters therefore seemed to want to make this connection overt, for the purpose of shaming or linking it to the greater civil rights movement. For the current of race, there were overt references to D.C. demographics as a way to express shame, to connect it to other civil rights efforts, to deny the role of race itself. For the current of partisanship, talk of compromise,

whether fair or unfair, bipartisanship and pure, unadulterated partisanship cropped up more frequently over time, presenting a stark binary in the characterizations of the supporters and the opponents.

The factor of time shed light on the role of these two themes in a way that no other study has expressly considered before. The application of this methodology to four distinct periods allows for two sorts of discovery: the nuanced roles of race and partisanship, and how these nuanced topics have evolved over the course of fifty years. The data reveal that they were always there, although in different forms and under the guise of different words and phrases. Thus, while the specific elements of reasoning waned and waxed over time, partisanship increased in standing and race did not fade away as expected. These findings reveal the complex nature of these two topics: despite the small time members of Congress talked about race and partisanship, they were nevertheless present, and did not chart a clear trajectory over time. Rather, they were a wavering but constant, underlying presence that infiltrated the Congressional discussions both implicitly and explicitly. Through an examination of coded words, we have seen a microcosm of racial politics in America and the political calculations at play.

Chapter 7: A Conundrum Resolved?

Washington was born out of a contentious compromise between Thomas Jefferson and Alexander Hamilton, and contention and compromise have stayed with the city ever since. The location of the District was a product of a deal involving backroom dealings and tradeoffs.[161] While the members of Congress have changed many times over since then, certain topics of discussion have never left the District, among which are race and partisanship. Although the presence of race and partisanship seems palpable to some D.C. residents, they were not the consistent force that residents and experts alike assume them to have been.

I have shown that the story of the District moves beyond the federal dimension and into the provocative realm of race. The Congressional consideration of District suffrage legislation fits into the history of the broader Civil Rights Movement. As "Chocolate City," Washington, DC stands out as a renowned black center.[162] Congressional supporters—of both parties at first, and then exclusively Democrats—expounded upon this historical racial legacy to great effect. Even as the words "civil rights" lost the immediacy that they once had in the 1960s, tying the disenfranchised District closer to race remains a tactic to associate this small cause with a larger one. A principal finding is that, throughout the four periods, supporters were much more likely to allude to race than opponents, and implicit references were rare. Contrary to my hypothesis, overt references to race occurred in all periods, especially on the part of the supporters, who

[161] Thomas Jefferson in *Washington: A Reader* (Bill Adler, ed.) 39.
[162] Harry S. Jaffe and Tom Sherwood, *Dream City: Race, Power, and the Decline of Washington, DC (*New York: Simon and Schuster, 1994).

drew parallels between the issue at hand and the Civil Rights movement and the legacy of enfranchisement for blacks. Supporters have used race as a shaming tool and rallying cry for justice, whereas race has also acted as an obstacle to representation. For supporters, then, the acknowledgment of the racial factor was integral to the injustice of the District's status quo, whereas opponents, on the rare occasion that they acknowledged race, explicitly disavowed its influence. For supporters only, the issue went beyond a constitutional or legal one but was mired in a discriminatory context, which hindered moving forward. The findings from Congress demonstrate that the issue at hand is too complex to simply declare that "this subject has always been, and always will be, a predominantly racial one." Yet race has been and still is an integral part of the equation, manipulated and referenced for multiple effects.

When it comes to partisanship, D.C. residents' perceptions were on target. Through an examination of passage votes, it is clear that D.C. voting rights grew from a somewhat polarizing issue to an extremely polarizing one; from one where Republican support was not uncommon to one where it was practically unheard of. Partisan references charted a sharp increase in both references and voting results—though whether members of Congress viewed such partisanship in a positive, cooperative light or a deleterious, polarizing one depended on their stance on the issue as a whole. While my hypothesis was nearly correct on the political party breakdowns on the passage votes, roll call votes did not further polarize the divide, as I expected.

The increase in partisanship on the District parallels the polarization of national politics today. While District suffrage was always a somewhat partisan issue, the polarization of Congressional opinion by political party mirrors the contemporary stances of the major political parties on many contemporary subjects. Whether the District voting rights movement is a symptom or part of the cause of polarization, I leave for future scholars to determine. From the

findings presented here, however, it is clear that party politics show no signs of diminishing on the issue. The District's political makeup and the partisan breakdown in Congress were not by chance; they are endemic of a larger nationwide pattern of political polarization.

While the partisanship in the passage voting results findings was black-and-white, patterns were not always evident regarding both partisanship and race; certain phrases or roll call votes occurred only once, and would require a broader sample of the Congressional Record to discern patterns. One could consider these findings a point of departure, an opportunity for future scholars to find similar references in more failed bills about D.C. and other debatably racialized or partisan topics. The application of the coded words methodology to the Congressional Record was a first; in the future one could fine-tune and determine a new cohort of words applicable to other subjects in political science, as I did for District congressional representation.

While its specific situation is unique, Washington is not a case apart. The District's status quo has had and may have repercussions elsewhere. America's constitution used to be a popular model for nascent democracies: there are over 160 countries today that have based their written charters off of the U.S. Constitution[163]—a constitution that specifically disenfranchises the denizens of the capital. Yet over the past few decades, America's constitution has fallen out of favor as a template for new democracies.[164] As the world's oldest constitution still in use, it contains many anachronisms, among which one could place this capital oversight. Federal countries such as Mexico and Brazil were inspired by the U.S. Constitution, and residents of Mexico City and Brasilia underwent similar struggles for the vote as a result.[165] The District's situation reflects the reputation of American democracy around the world. And the world, in the

[163]Adam Liptak,"'We the People' Loses Appeal with People around the World, *The New York Times*, February 6, 2012, http://www.nytimes.com/2012/02/07/us/we-the-people-loses-appeal-with-people-around-the-world.html
[164] David S. Law and Mila Versteeg, "The Declining Influence of the United States Constitution," New York University Law Review 87(2012), http://works.bepress.com/david_law/28.
[165] Donald C. Rowat, *The Government of Federal Capitals* (Toronto: University of Toronto Press, 1973).

form of the U.N. Human Rights Commission, has taken note. The UNHRC is concerned that the "residents of the District of Columbia do not enjoy full representation in Congress, a restriction which does not seem to be compatible with article 25 of the covenant [on Civil and Political Rights]" as well as the "Covenant on the Elimination of All Forms of Racial Discrimination."[166] America's lapse in democracy caught the attention of this and other international bodies. They see the issue as one of importance, and as one tied to race, yet barely anyone outside of the capital is aware of the District's disenfranchisement. And why should they care? The issue affects less than one percent of the country's population, all concentrated in one geographical area of less than ten square miles. Moreover, this small geographical area is one whose population does not mirror that of the rest of America: perceived as a majority black city, and an unabashedly majority Democratic one, a D.C. resident is not likely to look like a randomly selected American from the rest of the country. This thesis has shown that such associations have made their way into the Congressional consideration of District voting representation, both pro and con.

Eleanor Holmes Norton once said: "The invisibility of the denial of self-government and voting congressional representation are linked to this failure to become a national conversation."[167] Race and party politics have been part of America's "national conversation" for the better part of the country's history. This thesis has shown that these difficult themes are an integral part of the District movement—a cause that belongs in the national conversation, one that more Americans should take part in. Despite its small geographical size, the implications of race and partisanship show this to be not just a local conversation but a national one. The themes of race and partisanship reach more than District residents and reveal that the District's situation

[166] Timothy Cooper, Continuing Violations of Equal Political Participation for the Residents of the Districtof Columbia," World Rights, http://www.world-rights.org/pdf/unhrc_final_dc_voting_rights.pdf, 2.
[167] Eleanor Holmes Norton, "Foreword," *Democratic Destiny and the District of Columbia* (Ronald Walters and Toni-Michelle C. Travi, ed.), Plymouth: Lexington Books, 2010, x.

has bearing not only for its residents but also for the rest of the country. The District's failure to attain voting rights is not a simple quirk of the Constitution; it is in part the product of its racial association and the increasingly partisan context in which it is mired.

America has struck down the barriers to the franchise based on race, gender, property and wealth. Whatever one's personal opinions on District congressional representation, it is clear that "geography" fits in the list of categories of American disenfranchisement. Yet this geographical disenfranchisement would be more aptly named "political geography" or "racial geography," as these two qualities are inseparable from the first.

Appendix A: Coding Tables

I have shorted some of the phrases and removed some context in the interest of space.

This table represents my tabulation of partisan and race references from the 1960 debates on the floor of the House and the Senate:

Race or Partisan?	Word/Phrase	Congressman	Party	State	#	AYE/ NAY
Race	poll tax	Keating	R	NY	5	AYE
Race	poll tax	Case	R	SD	6	AYE
race	"no citizen, white or colored"	Keating	R	NY	1	AYE
race	poll tax	Keating	R	NY	3	AYE
race	"There is an old saying that one must crawl before he walks and one must walk before one runs. This amendment will accomplish the first objective, namely, to give some 800,000 disenfranchised people the right to be first class citizens	Beall	R	MD	1	AYE
partisan	Compromise	Celler	D	NY	2	AYE
race	minimum proposal	Udall	D	AZ	1	AYE
race	poll tax	Celler	D	NY	1	AYE
race	Segregation	Celler	D	NY	1	AYE
race	24 for Underwood, race	Celler	D	NY	1	AYE
race	states' rights	Multer	D	NY	1	AYE
race	Civil Rights, other group that had been disenfranchised	Curtin	R	PA	1	AYE
race	continuation of democratization legacy: "closing the last voting gap"	Foley	D	MD	1	AYE
race	civil rights has been cancelled	Javits	R	NY	1	AYE
partisan	both major parties spoken out again and again for it	Randolph	D	WV	1	AYE
race	the concept of fractional citizenship is….abhorrent	Keating	R	NY	1	AYE
race	3/5: Three fourths citizenship or three fifths-citizenship is better than no citizenship at all	Keating	R	NY	1	AYE
race	obstructive tactics (referring to poll tax)…"would have meant defeat of both amendments	Holland	D	FL	1	AYE
race	Regret	Keating	R	NY	1	AYE
race	kicked it out	Eastland	D	MS	1	NAY

Race	poll tax, white primaries	Holland	D	FL	4	AYE
Race	no poll tax, colored people	Holland	D	FL	2	AYE
Race	poll tax	Holland	D	FL	2	AYE
Race	poll tax, states	Johnston	D	SC	2	NAY
Race	poll tax...bad	Holland	D	FL	2	AYE
Race	states' rights, poll tax	Johnston	D	SC	1	NAY
Race	poll tax as a graveyard	Holland	D	FL	2	AYE
Race	opposed to poll tax, but think it's states who should decide	Goldwater	R	AZ	2	NAY
Race	controlling factor of 3 electors only	Goldwater	R	AZ	1	AYE
Race	will be back with poll tax next session	Holland	D	FL	3	AYE
Race	civil rights - referring to poll tax	Holland	D	FL	1	AYE

This table represents my tabulation of partisan and race references from the 1978 debates on the floor of the House and the Senate:

Race or Partisan ?	**Word**	**Congressman**	**Party**	**State**	**#**	**AYE/ NAY**
Partisan	"Republican platform of 1976 provided specifically support for representation in the House and in the Senate for the people of the District of Columbia"	McClory	R	IL	1	AYE
Race	Civil rights, voting rights	McClory	R	IL	1	AYE
Partisan	"Are we to continue to say to the District of Columbia Americans, like we said in the Dred Scott Decision to another group of Americans, that you are less than whole persons in our eyes?"	Fauntroy	D	DC	1	AYE
Partisan	a "statement of purpose" of both parties	McKinney	R	CT	1	AYE
Partisan	"Both the Democratic and Republican party platform of 1976 endorsed the concept of full voting representation"	Chisholm	D	NY	1	AYE
Race	reference to being a member of the black caucus, what it means to be "treated as less than a full citizen"	Mitchell	D	MD	1	AYE
Race	This denial of representation has relegated the residents of the District of Columbia, 70 percent of whom are black, to the status of second-class citizens	Mazzoli	D	KT	1	AYE
Race	"it seems inconceivable to me that legislatures across the country will support two entirely urban-oriented Members in that body"	Butler	D	SC	1	AYE
Race	"removed barriers of race, color, sex, and	Dodd	D	CT	1	AYE

	voting age" - continuing in that vein					
race	talking about 23rd Amendment, watered down proposal, there were stronger proposals, political reasons then and now	Butler	D	SC	1	AYE
partisan?	compromise: "the substitute amendment I offer is a compromise"	Butler	D	SC	1	AYE
race	most important civil right issue before this Congress"	Hubbard	D	KY	1	AYE
race	to Hannaford: your state did not ratify the 23rd amendment, what makes you think it'll ratify this?	Butler	D	SC	1	AYE
partisan	political pressures…political balance of the Senate	Wiggins	R	CA	1	NAY
partisan	"I am glad the party of Lincoln was prominent in the success of the constitutional amendment"	Findley	R	IL	1	AYE
race?	"milestone in that great line of civil rights decisions"	Findley	R	IL	1	AYE
partisan	Bipartisan	Stokes	D	OH	1	AYE
partisan	"no left or right, liberal or conservative"	Kennedy	D	MA	1	AYE
race	"made this question a national issue of civil rights	Kennedy	D	MA	1	AYE
both	4 too's quote	Kennedy	D	MA	1	AYE
both	comparison to difficulty of states' admission because of political or racial conflict	Kennedy	D	MA	1	AYE
partisan	quotes Republican Party platform of 1976	Kennedy	D	MA	1	AYE
race	"We are not talking about civil rights. We are discussing whether the capital city concept that was developed by the Founding Fathers should be retained"	Scott	R	VA	1	NAY
urban, race	"if the District of Columbia had two senators, they would speak only for a single urban area"	Hatch	R	UT	1	NAY
urban, race	"cities vote within states, and do not vote solely as cities"	Hatch	R	UT	1	NAY
partisan	representing Democrats and Republicans	Hatch	R	UT	1	NAY
race	"District representation is ultimately a constitutional issue. It is not, in my opinion, a race issue, as was alleged by the local press recently regarding the junior Senator from Oklahoma…..in light of the fact that no arguments were made to support the charge."	Hatch	R	UT	1	NAY
race	"I do not think it necessarily bespeaks of racism to disagree with this particular legislation that would submit this important question to the people of the country. And it	Hatch	R	UT	1	NAY

	is interesting to note that as far as racism is concerned, the population trends suggest that by 1983 the whites will constitute a majority of people in the District."					
Partisan	"This is also not a liberal-conservative issue. No one knows what the future course of American politics will be like - aka only reason it's not partisan is because DC might be Republican one day	Hatch	R	UT	1	NAY
Race	difference between Chevy Chase and Wesley Heights next door	Pell	D	RI	1	AYE
Race	"I am not sure there is a correlation there on the question of race at all. But that it seems to me. …Regardless of the color of the people who live there, regardless of the income bracket…the question before us is whether there should be citizens of any color or any ethnic group....who just plain do not have the right to be represented when their tax dollars are being apportioned" (also mentions size, geography, population)	Bayh	D	IN	1	AYE
corruption, race?	distinguishing federal money that DC gets but also all states get too, not just because DC is messed up, should still get representation	Leahy	D	VT	1	AYE
urban, race	"I have heard here in the Chamber, and probably more troublesome, I have heard discussions out of the Chamber, that giving such representation to the District of Columbia would be at the expense of rural areas; that tiving such representation would give too much of a voice to urban America"	Leahy	D	VT	1	AYE
urban, race	urban/rural bias	Leahy	D	VT	3	AYE
urban, race	"Washington, DC is simply a city dealing with purely urban problems, and some very difficult ones, more difficult than a lot of other cities because of the presence of the Federal Government. So it is unique among cities."	Garn	R	UT	1	NAY
urban, race	"without all of the divergent problems of a state, which as we Senators face"	Garn	R	UT	1	Nay
urban, race	"I think the District…the very core of this great metropolitan area…has been disserviced in terms of their residence by the constitution"	Melcher	D	MT	1	NAY
Both	references Kennedy's too statement: "Everyone in the district of Columbia,	Scott	R	VA	1	NAY

	regardless of their color, regardless of their political philosophy, regardless of their party, and regardless of the fact that they live in a city, would have the right to vote"					
both	"We did not have the political spectrum of liberals and conservatives such as we have today…we did not have an urban area	Scott	R	VA	1	NAY
partisan	"I would think that every last one of the voters on this side of the aisle would be for reserving the right for the District to elect Senators of their own, assuming that they would both be Democrats. I suppose if that were the only issue, every last one on the Republican side would vote against it. But that is not the issue"	Melcher	D	MT	1	NAY
urban, race	"difference of an entirely urban area" "neither is there a racist issue involved here"	Melcher	D	MT	1	NAY
urban, race	pro retrocession: "It is on this basis that the District, the core of a vast metropolitan area, would not have the experience, would not have the interests in the same regard or in the same intensity or for the same purposes, as the constituencies in the rest of the states"	Melcher	D	MT	1	NAY
both	Addressing 4 toos	Hatch	R	UT	2	NAY
partisan	liberal, need diversity of interests	Hatch	R	UT	1	NAY
partisan	short term liberal solution that won't get passed by the states	Hatch	R	UT	3	NAY
race	"as a matter of fact, it appears the proportion of blacks is decreasing, in proportion to the number of white, to the point where some are indicating that the proportions will be about 50-50….probably by the year 1990, certainly by the year 2000….but there is an argument which can be made along those lines	Hatch	R	UT	1	NAY
urban, race	"The Founding Fathers never intended cities to become states….As a matter of fact, the reason we have senators is so that they can represent a diversity of interests…so that we have a chance of having people with diverse philosophical interests the Senate, and it is not all one point of view"	Hatch	R	UT	1	NAY
race	Wants more black senators	Hatch	R	UT	1	NAY
both	political move, no one thinks it'll be ratified by requisite number of states, "seeking support of black candidates on this issue	Helms	R	NC	1	NAY
race	"The black citizens of the District of	Helms	R	NC	1	NAY

	Columbia and the black citizens across America should not be deluded by this bit of gamesmanship. Everyone knows the amendment is not going to be ratified by the requisite number of states					
Race	civil rights	helms	R	NC	1	NAY
Race	"I am hearing from people all over this country who resent this proposition's having been converted into a racial issue. It is not a racial issue."	Helms	R	NC	1	NAY
Race	"There was no black problem. The suggestion has been made that the city is too urban. The city was not too urban at the time that the Founding Fathers…made this decision…"	Helms	R	NC	1	NAY
Partisan	"as I recall, it was not too liberal at the time"	Helms	R	NC	1	NAY
Partisan	nor too Democratic, but there were no political parties at the time	Helms	R	NC	1	NAY
Race	"This proposition, Mr. president, is a charade. It is misleading the black citizens--not only of the District of Columbia but also the black citizens of North Carolina and all the other states	Helms	R	NC	1	NAY
Both	"I can tell my friend that I have never opposed voting rights on the basis of either, although I certainly do oppose people who are liberal in their policies….but if, as a matter of fact, there is a resistance to full civil rights for the people of the District of Columbia, if there is any racism in that argument, the racism lies in the political structure of the state of Maryland.	Scott	R	VA	1	NAY
Race	"Let us not slide the issue by injecting other issues, such as…the denial of the fact that racism may be a quotient in the arguments and the emotions in this debate	McClure	R	ID	1	NAY
Race	civil rights	McClure	R	ID	1	NAY
urban, race	"There is no diversity of interest, there is no rural population"	Harry F. Byrd	I	VA	1	NAY
partisan	should not be a Dem or Rep issue	Hollings	D	SC	1	AYE
Race	civil rights	McClure	R	ID	1	NAY
urban, race	Leahy for giving voting rights to an exclusively urban area	Leahy	D	VT	1	AYE
urban, race	"District consists only of that urban center. The framers did not intend that cities should be given representation in Congress - and then goes on to propose that other cities should get	McClure	R	ID	1	NAY

	representation					
urban, race	problem with reps who don't know rural or farming problems	Stennis	D	MS	1	NAY
race	not a racial issue, not because the District is "predominantly black"	Hayakawa	R	CA	1	NAY
partisan	"rise above political pressures, abandon partisan politics"	Matsunaga	D	HI	1	AYE
urban, race	"urban": from a rural state but thinks urban people should be represented too	Leahy	D	VT	3	AYE
urban, race	District does not have state diversity	Melcher	D	MT	1	NAY
partisan	"I do not believe this is necessarily a political argument…when it is faced by each state legislature, that they will view it as a Republican issue or a Democratic issue; I do not see that	Melcher	D	MT	1	NAY
race	"I have a fear this may sap the strength of the civil rights movement because I do not think this is the most important thing that the civil rights movement can do in this country. I think the most important thing they can do is raise the economic stakes for their minorities because the numbers are there, rather than the numbers here in the District"	Gravel	D	AK	1	AYE
partisan	part of Republican party platform, Republican party supports it even though Dems will likely win seats	Dole	R	KN	1	AYE
partisan	"issue that sharply divided this [repub] aisle"	Baker	R	TN	1	AYE

This table represents my tabulation of partisan and race references from the 1960 debates on the floor of the House and the Senate:

Race or Partisan?	**Word/Phrase**	**Congressman**	**Party**	**State**	**#**	**AYE/ NAY**
partisan	Bipartisan	Norton	D	DC	1	AYE (IF POSSIBLE)
partisan	Democrats and Republicans working together	Norton	D	DC	1	AYE (IF POSSIBLE)
partisan	modelled most recently on Alaska and Hawaii, both admitted to the Union in 1959 after Congress assured itself that their entry would benefit both parties.	Norton	D	DC	1	AYE (IF POSSIBLE)

Race	reference to Lincoln freeing the slaves, her ancestors, in that vein	Norton	D	DC	1	AYE (IF POSSIBLE)
Partisan	And the reason we cannot give them that right is the same reason the bill was withdrawn last month: The Democratic leadership is afraid Congress would approve it	Smith	R	TX	1	NAY
Partisan	Bipartisan	Smith	R	TX	1	NAY
Partisan	"As a Republican…" for DC voting rights	Tom Davis	R	VA	3	AYE
Partisan	Republican, urging other Republicans to vote pro	Tom Davis	R	VA	2	AYE
Partisan	"the majority has once again denied us to discuss amendments"	Goodlatte	R	VA	1	NAY
Race	Anti-poll tax provision applies	Davis	D	AL	1	AYE
Partisan	unfair, unfair representation	Goodlatte	R	VA	3	NAY
Partisan	Republicans want retrocession, even though MD doesn't	Norton	D	DC	2	AYE (IF POSSIBLE)
Partisan	friends across the aisle	Gohmert	R	TX	1	NAY
Partisan	"We have worked out an agreement. We have bipartisan support"	Gohmert	R	TX	1	NAY
Race	nation's oldest violations of civil rights	Cummings	D	MD	1	AYE
Race	"disproportionately impacts the African-American community	Cummings	D	MD	1	AYE
Race	"fifty seven percent of the population…no other state in the union has a larger percentage of black residents	Cummings	D	MD	1	AYE
Race	However, this issue surpasses race	Cummings	D	MD	1	AYE
Partisan	"the bill prevents partisan gerrymandering by creating a new seat for Utah"	Cummings	D	MD	1	AYE
Partisan	"Utah…prevents any potential partisan division"	Moran	D	VA	1	AYE
Partisan	Republican DC Councilwoman Carol Schwartz supports it	Moran	D	VA	1	AYE
Partisan	Utah/DC balance unfair	Price	D	VA	1	AYE
Race	segregated city	Norton	D	DC	1	AYE
Partisan	"mainly Democratic District of Columbia and another to the largely Republican state of Utah"	Christensen	D	VI	1	AYE (IF POSSIBLE)
Partisan	"prevents partisan gerrymandering"	Waxman	D	CA	1	AYE
Partisan	bipartisan, Republican support	Moran	D	VA	1	AYE
Partisan	Mr. President, I rise to urge my colleagues to support the legislation before us today which was reported out of our committee	Lieberman	I	CT	1	AYE

	on a 9-to-1 vote, bipartisan support					
partisan	overcome concerns of the partisan impact of giving a House seat to the District because it tends to vote Democratic, and correcting another injustice, saying that the State of Utah	Lieberman	I	CT	1	AYE
partisan	crafted a compromise that they believe can pass both Chambers and be sent to President Bush for his signature.	Cardin	D	MD	1	AYE
race	part of civil rights voting legislation	Dodd	D	CT	1	AYE
partisan	This is not a Republican or a Democratic issue.	Kennedy	D	MA	1	AYE
partisan	So this legislation strikes the appropriate balance by allowing additional representation for both DC and Utah without disadvantaging either national political party.	Kennedy	D	MA	1	AYE
race	The Senate has not filibustered a civil rights bill since the summer of 1964 when it spent 57 days including six Saturdays on the Civil Rights Act of 1964	Clinton	D	NY	1	AYE
race	In many parts of DC, you can look down the street and see the dome of the U.S. Capitol. Yet so many of these streets couldn't be more disconnected from their Government.	Obama	D	IL	1	AYE

This table represents my tabulation of partisan and race references from the 1960 debates on the floor of the House and the Senate:

Race or Partisan ?	**Word/Phrase**	**Congressman**	**Party**	**State**	**Y / N**
guns/race	Kids are getting gunned down every day--certainly in Washington, DC, our capital city.	Durbin	D	IL	Y
partisan	He set aside partisanship to join me and others in trying to right this historic wrong. I greatly admire his commitment to this cause.	Lieberman	I	CT	Y
partisan	the District congressional representation, and the Republican leaders in the Senate actively supported it. It passed the House by a vote of 289 to 127. The Senate passed it by a vote of 67 to 32, narrowly above the two-thirds	Kennedy	D	MA	Y

	majority required for a constitutional amendment.				
Partisan	It is not just Democrats who believe the DC voting bill is constitutional. Many prominent Republicans agree. I am pleased that a half dozen of my Senate Republican colleagues have voted in the past for this bill. Listen to the words of conservative constitutional scholar Kenneth Starr. It is not often I have quoted him.	Kennedy	D	MA	Y
Partisan	I am very grateful that yesterday 62 Members of this body, including 8 Republicans, voted to stop a filibuster to invoke cloture to get to this bill.	Lieberman	I	CT	Y
Partisan	There are a lot of historic reasons for this originally, but then they became political reasons, frankly partisan.	Lieberman	I	CT	Y
Partisan	"compromise bill": began floating an idea of a compromise bill to balance a House seat for the District of Columbia, which obviously we assume would be won by a Democrat, with a seat for a congressional district in Utah, which most assume would be won by a Republican.	McCain	R	AZ	N
Partisan	partisan horse-trading	McCain	R	AZ	N
Partisan	raw politics	McCain	R	AZ	N
Partisan	But in another sense, like so many pragmatic agreements around here--and this is one of the best of them because it is bipartisan…	Lieberman	I	CT	Y
Partisan	The truth is that for too long now partisan concerns have stopped Members of Congress from doing what they knew was right, which is to give residents of the District voting rights. And the partisan concerns are understandable, even if they should not have blocked the result.	Lieberman	I	CT	Y
Partisan	It is a matter of fact that the residents of the District are overwhelmingly registered as members of the Democratic party. So in the normal course, it would be extremely likely that any Member of the House from the	Lieberman	I	CT	Y

	District would be voting and organizing with the Democrats. And I suppose if the shoe were on the other foot and this was a largely Republican voting population, to be fair about it, Democrats would probably have a similar feeling.				
partisan	Bipartisan	Lieberman	I	CT	Y
partisan	bipartisan political agreement	Lieberman	I	CT	Y
partisan	That filibuster prevented its passage, despite the bipartisan support of 57 Senators, a majority of the Senate.	Leahy	D	VT	Y
partisan	This amendment is substantively identical to the bipartisan compromise that passed the House last year	Ensign	R	NV	N
partisan	It is not, as he alleged, simply an arbitrary, irrational, backroom partisan political deal.	Hatch	R	UT	Y
partisan	So it balances it from a political point of view. I understand that is how the system works here. I think this is a fair compromise	Cardin	D	MD	Y
partisan	Democratic, the compromise is to give another Representative to the State of Utah because they are the closest to having been able to obtain another Representative and the registration in Utah is heavily Republican.	Cardin	D	MD	Y
partisan	balance, Democrat and Republican	Cardin	D	MD	Y
partisan	balance, Democrat and Republican	Cardin	D	MD	Y
partisan	trade, of a Democrat and a Republican	Cardin	D	MD	Y
partisan	Bipartisan	Feingold	D	WI	Y
partisan	Bipartisan	Reid	D	NV	Y
partisan	This issue has been around a long time. Finally, in this bill, we have a balanced and sensible approach, one seat for the District of Columbia and one additional seat for the State of Utah.	Burris	D	IL	Y
Race	Over 50 years ago, after overcoming filibusters and obstruction, the Senate rightfully passed the Civil Rights Act in 1957 and the Voting Rights Act in 1965. Let us build on that tradition and extend the reach and resolve of America's representative democracy.	Leahy	D	VT	Y

race/education	vouchers, low income schools, referencing amendment	Brownback	R	KS	N
race/education	poor students, rotten schools	Brownback	R	KS	N
race/education	worst dropout rates in the country	Voinovich	R	OH	Y
race/education	Low-income schools	Lieberman	I	CT	Y
race/violence	I believe the amendment is reckless. I believe it is irresponsible. I believe it will lead to more weapons and more violence on the streets of our Nation's Capital. It will endanger the citizens of the District, the Government employees who work here	Feinstein	D	CA	Y
race/violence	I cannot think of any place more sensitive than the District of Columbia. Even bans on ``dangerous and unusual weapons" are completely appropriate under the Heller decision	Feinstein	D	CA	Y
race/violence	We have seen criminal street gangs able to buy weapons at gun shows and out of the back seats or the trunks of automobiles. We have seen their bullets kill hundreds, if not thousands of people across this great land	Feinstein	D	CA	Y
race/violence	Do we really want that? I think of the story of an 11-year-old who had a reduced barrel shotgun and just recently killed somebody with it. Is this what we want to see all over this country, the ability of virtually anyone to obtain a firearm regardless of their age?	Feinstein	D	CA	Y
race/violence	The District of Columbia has the highest per capita homicide rate in the United States. I understand, if you are from, say, Wyoming--there are broad, open spaces, very low crime rate--that the rules on guns should be different than the rules in Washington, DC and New York City. I understand that. I accept it, as someone who has been an advocate of gun control.	Ensign	R	NV	N
race/violence	But why are we imposing those laws that may work in Wyoming on the people of the District of Columbia?	Ensign	R	NV	N

	Firearms cause more needless damage in Washington, DC than anywhere else				
race/violence	The bottom line is, the District of Columbia has the highest murder rate. It has had the highest murder rate, and that rate has gone up as the District has enacted stricter and stricter gun control laws….Let's protect the second amendment rights for law-abiding District of Columbia residents so they can protect themselves against intruders coming into their homes.	Ensign	R	NV	Y
race/violence	Criminals are going to get their guns. We know that. Criminals get their guns in DC and around the country. They do it through the black market. In DC, they can go right across the border and get a gun pretty easily. We want to make sure that law-abiding citizens are able to get guns and to protect themselves	Ensign	R	NV	N

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