

**TESTIMONY OF BRUCE V. SPIVA  
CHAIR OF THE BOARD OF DC VOTE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON THE JUDICIARY  
HEARING ON H.R. 1433  
MARCH 14, 2007**

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Mr. Chairman, Congressman Smith, members of the Committee, thank you for this opportunity to testify at this historic hearing. I ask that my full statement be made a part of the record. I will summarize my remarks.

I dedicate my testimony today to the memory of Darryl T. Dent, Gregory E. MacDonald, Paul W. Kimbrough, and Kevin M. Shea, the four men from the District of Columbia who lost their lives in the service of our country and democracy in Iraq and Afghanistan, and to all the men and women from the District of Columbia who have served our country in every war since the founding of the Republic.

Mr. Chairman, I am proud to chair the Board of Directors of DC Vote, an organization whose mission is to secure full voting representation in Congress for Americans living in our nation's capital.

The people of the District of Columbia have fought and died for our country in every war. We are fighting and dying now in Iraq and Afghanistan. We fight for democracy abroad and are denied it here at home. We pay federal and local taxes. We serve on federal juries. We have fulfilled *every* responsibility of American citizenship, and yet, we have no say in the passage of our nation's law, and do not even have ultimate authority over our own local laws and institutions. That is a moral disgrace and a shame on this Nation. It is a desecration of our Constitution. It is a denial of our civil and human rights. It is a violation of our country's core principles. And it must change now.

In this great city, we have Americans who are teachers, firefighters, veterans, and students. Some of these citizens are here with us today. We want you to know that we love this country. We are disappointed and angered that we have been completely shut out of our nation's political process, reduced to political bystanders in our own country. We are, as Martin Luther King once said of African Americans in this country, "exiles in our own land." We are not the constituents of any of you, and therefore can command the full devotion of none of you.

We have grown impatient with the glacial pace with which our government has acted to end the denial of our rights. We are frustrated that many in the Congress have tended to view our disenfranchisement as a local issue of only minor significance. But, despite all of our frustrations, we love this country and we want to make it better. We want it to be *at least* as good as every other democracy in the world -- not one of which denies the citizens of her capital the right to vote. This is not a local issue. We are fighting to realize our country's core founding principles: that every American citizen must have an equal right to vote, and that government without the consent of the governed is illegitimate.

The vast majority of Americans -- once they know about our disenfranchisement -- agree with us that it is unfair and un-American. In a poll conducted by KRS research in 2005, 82 percent of Americans said they support full voting representation for D.C. residents. That support cuts across all segments of society, all regions of our country, and all political parties. Mr. Chairman, I ask that the poll results be made a part of the record of this hearing.

The international community has taken note of our failure to live up to our democratic ideals, and has increasingly spoken out against the denial of democracy for D.C. residents. In separate opinions, the Organization for American States, the Organization for Security and Cooperation in Europe, and the UN Committee on Human Rights have all found that the United States is violating international human rights law by treating Washingtonians as second-class citizens. Mr. Chairman, I also ask that the full reports of those bodies be added to the record of this hearing.

Some defenders of the status quo argue that the Founders intentionally gave the nation's capital a special status. Others argue that Washington, D.C. is too small to warrant representation in the Congress, or that the people who live here should be denied the right to vote because they have chosen to live here, and they can move out if they wish to vote. We could and do respond that the Constitution neither specifically provides nor denies residents living in the Capital voting representation in the Congress. This anomaly can be changed. Our country has risen to rectify other injustices that some have attributed to our Founders' intent, such as the denial of rights to women, minorities and those having reached the age of eighteen.

We could also respond that Washington, D.C.'s population is larger than or nearly as large as several states. We could say that some people do not have the option to move away.

While we can and do meet these arguments on their own terms, I think there is a more fundamental response to such critics. Their arguments against D.C. voting rights betray a fundamental misunderstanding or willful ignorance of what this country is all about. Our country was founded on the principle, albeit not the reality, of political

equality and the ideal that the governed choose those who will govern them. To this day, our unifying national belief is that participatory democracy not only works better than all other alternatives, but that it is morally and providentially compelled. Denying people the right to vote based on where they live, or the size of their community, is fundamentally inconsistent with these ideals.

But, frankly, it is not the swords of the opponents of D.C. voting rights that cut the deepest. It is the apathy and tepid support of those who bear us no ill, but who also do not feel this cause is worthy of their energy. Again, the words of Dr. King speak to us today: “Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people.”

We have been denied the right to participate in our government for over 200 years. It is time, past time, for people of good will to work with concerted energy to remedy this injustice immediately.

Our nation celebrated in 2005 the 40th anniversary of the Voting Rights Act of 1965. And a week ago Sunday, many in this body stood with heroic Congressman John Lewis to celebrate the 42<sup>nd</sup> anniversary of the march from Selma to Montgomery that led to the Act’s passage. The Act stands as one of the greatest laws passed in the history of this country because it sought to eliminate disenfranchisement on the basis of race. It sought to deliver on a promise that had been made, but not kept, 100 years earlier by the 15th Amendment to the Constitution.

The great promise of the civil rights era, however, has yet to deliver voting rights for the people of the District of Columbia. As an African-American, I find it appalling that a majority-Black jurisdiction remains completely disenfranchised this late in our nation's history. But this civil rights violation crosses all racial and political lines and should be a priority for all members of Congress regardless of their party, race or ethnicity. Residents of the District of Columbia can't vote whether they are Republican, Democrat, or Independent, and whether they are White, African American, Asian or Latino.

While I respect my colleagues who argue that this bill is unconstitutional, I believe that they must bear a heavy burden to justify opposition on those grounds. As my distinguished colleagues on the panel today attest, there are strong arguments in support of Congress' authority to pass this bill. This bill is the only politically viable option on the table. It is the result of years of work by many members of Congress of both parties. It would therefore be inexcusable to reject this bill based on the *possibility* that it may be found unconstitutional.

This is not a mere debating point. The civil and human rights of 600,000 citizens are at stake. And so those who profess support for democracy but find the constitutionality of our means lacking owe a greater duty to constitutional principles than a mere critique of this bill. They must commit their energies to attaining a solution. Calls for solutions that are not presently achievable, such as statehood or a constitutional amendment, amount to no support at all. They are words without action.

Those who say that the DC Voting Rights Act does not go far enough in providing full voting rights to District residents are right. But it is also inexcusable to

resist a significant change for the better on the grounds that it does not provide complete justice. As the old proverb goes, “a journey of a thousand miles begins with a single step.” Passage of the DC Voting Rights Act would be a significant and historic step toward justice for the people of the District of Columbia. It is long past time to take this first step. Mr. Chairman, Congressman Smith, and members of the Committee, we are Americans and we demand the vote. We hope that you will work together in a bipartisan fashion to pass the DC House Voting Rights Act this spring, a bill that provides Washingtonians with representation in the U.S. House of Representatives.

Thank you once again for the opportunity to testify today.