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Jesse L. Jackson

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DISTRICT OF COLUMBIA: THE “STATE” OF CONTROVERSY

FOREWORD: THE STATE OF NEW COLUMBIA — A CALL FOR JUSTICE AND FREEDOM

*Reverend Jesse L. Jackson**

This special issue of the *Catholic University Law Review* arrives not a moment too soon. We are at a crucial period in the struggle for self-determination in the Nation’s Capital. Finally all observers, even statehood opponents like President Bush and conservative Republicans in Congress, clearly realize that the current regime — congressional occupation of the District of Columbia and the effective disenfranchisement of its citizenry—is morally untenable.

What is morally wrong cannot be politically right. There is no long-term security with injustice, no matter how safe it looks today. The arc of the universe is long, but it bends towards justice and freedom.

The opponents of statehood for New Columbia can read the writing on the walls coming down in Berlin, Prague, Warsaw, and Managua. They know there is no future in colonial rule anywhere on earth. So they are frantically searching for “alternatives” to statehood, half-way solutions like the President’s idea of “some representation.”

But having “some representation” is like being a “little bit pregnant.” Either you are represented or you are not. For the more than 600,000 patriotic American citizens living under congressional rule in the District of Columbia, there is no satisfactory alternative to complete political equality and self-determination through statehood. There is no satisfactory alternative to complete and equal representation in the United States Senate and United States House of Representatives.

The case for statehood could not be more compelling. District residents are American citizens who have all of the responsibilities of national citizenship but lack the fundamental privileges and rights enjoyed by other Americans.

* The Reverend Jesse Jackson is the President of the National Rainbow Coalition.

District residents pay more than a billion dollars a year in taxes to the Federal Treasury, which is more in hard dollars than is paid by the people in each of nine states and more per capita than is paid by the people of forty-nine states.

District residents have fought and given their lives for their country in every one of our nation's military conflicts since the Revolutionary War. These Washingtonians died for a democracy that for the most part has excluded them. During the Vietnam War, the population of the District suffered more casualties than the people in each of ten states and more per capita than the people of forty-seven states.

The District population is larger than the populations of five states. More people live here than in Delaware, but Delaware Senator Joe Biden is the Chairman of the Senate Judiciary Committee, while we have no senators. Nearly as many people live here as in Maine, the home state of Senator George Mitchell, the Senate Majority Leader.

Yet, despite their loyal fulfillment of the basic obligations of citizenship, District residents are locked out of the democratic political process. We have no voting representatives in the United States Senate and only one non-voting delegate to the House of Representatives. Our local legislation can be overturned at any time for any reason at all by the Congress. Home rule has proven to be an extremely weak check against tyranny by legislators who we did not elect and who have contempt for our rights to self-government. We are closed out of the very legislative bodies that exercise control over our laws, our land, and ultimately, our lives.

The solution is obvious. We need to acquire the same rights and representation enjoyed by all other American citizens. We need to become a state.

The District Council's recent decision to proceed with election of "shadow senators" according to the statehood initiative will renew the political energy needed to obtain statehood. The shadow delegation plan is a time-honored formula for winning statehood. It was first used in 1796 by Tennessee, the sixteenth state admitted to the Union, and last used by Alaska in 1959, our most recent addition to the Union. Every one of the political communities that has used the Tennessee Plan — Tennessee, Michigan, Iowa, California, Oregon, Kansas, and Alaska — has won its rightful place as a state. And the District will, too.

President Bush apparently is going to oppose statehood for New Columbia, but his opinions on the subject appear to be founded on confusion and misinformation. The President stated that the more than 600,000 American citizens living in the District do not deserve statehood because our budget comes "almost exclusively" from Congress.

The truth is just the reverse. The District budget comes "almost exclusively" from the people of the District themselves. Some 87% of our budget is paid for by local revenues and only 13% from the so-called "Federal payment."

But this "Federal payment" itself is for services rendered and in lieu of taxes that are not being paid by the Federal Government on 41% of the land it occupies in the District. If you consider all of the taxes that the Federal Government escapes, the District loses because the Federal Government is the occupier and the District is the occupied. Then add in exemptions for foreign and diplomatic property, local services such as police and fire protection and street maintenance, and you quickly realize that the District is, in fact, subsidizing the Federal Government.

What is especially shocking about the President's position is that he announced, in his State of the Union address, that he supported Puerto Rican statehood despite the fact that Puerto Ricans do not pay, and never have paid, federal income taxes. For them, thousands of miles away, he seems to recommend representation without taxation; for us, his neighbors, he favors taxation without representation.

He takes this position despite the fact that the people of the District already passed a statehood referendum and petitioned Congress for admission to the Union, while the people of Puerto Rico have not even voted on statehood, much less applied for it.

On the question of the District of Columbia, President Bush is using voodoo economics to justify voodoo politics.

Thus, it is important to clear away the smoke and mirrors. The heart of the matter, for us as American citizens living in the District, is not dollars, but justice, dignity, and equal rights. In 1990, when colonial empires are breaking up all over the world and subjugated people are gaining their independence, the occupation of the District constitutes an international scandal.

If the citizens of Prague, Warsaw, Managua, or Moscow were excluded from participation in national government and denied local self-determination, the United States would shout that basic human rights were being violated. The political occupation, economic exploitation, and social domination of the people living in the District of Columbia is a cause for global concern and action. It is time for the last colony to become the 51st state.

We know that there are those trying to defeat our freedom struggle, as there always have been, but we are not discouraged. We are emboldened. We will have statehood, self-determination, and full equal rights as American citizens. The days of congressional occupation and political domination

are numbered, and the day of freedom for the citizens of Washington is rapidly advancing.

The *Catholic University Law Review* is to be congratulated for its wisdom and vision in gathering together these excellent and provocative essays on the law governing the District and its journey to statehood. We need a thorough airing of all of the subtle legal and constitutional issues surrounding the statehood question, and the following articles establish a solid starting point for further analysis. We might not all agree upon how to get there, but self-determination is our joint destination.

Young people have always had a special passion for freedom, and so it is good to see that, once again, the young have assumed a leading role in a modern liberation movement. Statehood for the people of New Columbia is the primary civil rights and social justice question of our times, the Selma and Montgomery of the 1990's.

Young people who have come to live in the District as law students should stay here after graduation and fight for the rights of the people of the city. By litigating, legislating, voting, writing, marching, and agitating for statehood, you take your place in the long tradition of youthful activism for justice and freedom. This special issue of the *Catholic University Law Review* now becomes part of that splendid and honorable tradition.