

Twenty-third Amendment

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(1961)

WHAT IT SAYS

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct: A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

THE FAILED D.C. STATEHOOD AMENDMENT

For more than two centuries the residents of Washington, D.C., have sought home rule and representation in the national government. After ratification of the Twenty-third Amendment, which gave the District of Columbia's voting-age population the right to participate in Presidential elections, the District's supporters in Congress began a campaign to turn the District into a state.

In the 1970s, Massachusetts senator Edward M. Kennedy led an unsuccessful movement to pass a law that would grant the district representation in the House and Senate. In 1971, the district obtained a nonvoting delegate in the House of Representatives, but it failed to gain entry into the Senate. Opponents of statehood argued that the district was different from other states. It had been formed out of land donated by Maryland and Virginia, and the Constitution assigned its jurisdiction to Congress. Supporters concluded that their only hope was to enact a constitutional amendment giving the district full voting rights in Congress. If the amendment passed, Washington, D.C., would become the equivalent of a state. Although it would be tiny geographically in comparison to even the smallest state, its population was actually greater and paid more in federal taxes than several of the states. Supporters in Congress appealed to civil rights sentiments, arguing that voting and representation, among the most important of all civil rights, were being denied in the nation's capital.

In 1978, Congress sent a constitutional amendment to the states that would have repealed the Twenty-third Amendment and given the District four electors (rather than three), which reflected its population size, as well as voting members of the Senate and House of Representatives. The proposed amendment encountered significant opposition. Rural states objected that the intensely urban District differed radically from all the other states. Others argued that Article V of the Constitution specified that no state would be deprived of its equal representation in the Senate, and that adding two senators for the District would dilute their own votes. Republicans also worried that congressional races in the District, with its high proportion of Democrats, would not be competitive. A growing national mood against big government in Washington also worked to the district's disadvantage, and only sixteen states ratified the statehood amendment before its seven-year time limit expired.

WHAT IT MEANS

The Constitution allowed Congress to select an area ten miles square to serve as the permanent seat of the federal government. Since 1800, the government has operated out of the District of Columbia. There were few permanent residents of the district at first, but by 1960 its population exceeded three-quarters of a million people. As a federal district, the capital had neither an elected local governor nor the right to vote in national elections. At the same time, District residents had all the responsibilities of citizenship. The Twenty-third Amendment did not make Washington, D.C., a state, but did grant its citizens the right to vote in Presidential elections and it allotted the District the number of electors it would have had if it were a state. The amendment did not provide the District with representation in Congress, but subsequently the District gained a nonvoting delegate in the House of Representatives and an elected local government.

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“I have always felt that the District of Columbia should be the model of perfection in municipal government, and showplace for our Nation for all who visit the National Capital to see. . . . As a result of ratification of the 23rd Amendment, the people of the District are now able to vote for President and Vice President. This is not enough. They should also be entitled to representation in the Congress.”

—Connecticut Senator Prescott Bush (father of President George H.W. Bush and grandfather of President George W. Bush), speaking in the Senate in 1961



Twenty-Third Amendment

Virginia and Maryland donate land for a federal capital

→ 1790

Article I, section 8, clause 17 of the Constitution authorizes Congress to create a seat of government ten miles square and grants exclusive jurisdiction over it. The states of Virginia and Maryland donate the land for a District of Columbia, and construction soon begins on the White House, Capitol, and other federal buildings.

The federal government moves to the District of Columbia

→ 1800

Meeting first in New York City, and then in Philadelphia, officials of the federal government move to the Washington, D.C., in 1800. Congress convenes there in December. When established, the District has a population of only five thousand residents, far fewer than the thirty thousand specified for the size of congressional districts. Many are temporary residents, living in the district only for the few months the Congress is in session and returning to their home states to vote.

The Organic Acts are passed

→ 1801

After Congress takes up residence in the new capital, it passes the Organic Acts of 1801, taking direct control of the District. Under the law, people living in the District are denied the right to vote in either Maryland or Virginia, the states from which the District has been created.

Local board of elections is established

→ 1955

Congress directs the appointment of a three-member board of elections to oversee the District's election of local political party officers, party committee members, and delegates to political parties' national conventions.

The District votes for President

→ 1964

For the first time, under the new Twenty-third Amendment, residents of the District of Columbia vote in a Presidential election. The District overwhelmingly supports President Lyndon Johnson over his Republican challenger, Arizona senator Barry Goldwater.

President Johnson appoints Mayor Washington

→ 1967

In 1967, President Lyndon Johnson appoints Walter Washington to fill the new post of mayor commissioner of the District of Columbia. Washington accepts the post as a first step toward home rule for the District. The following year, rioting and looting erupt in the capital following the assassination of Martin Luther King Jr., making the need for a stable local government all the more urgent.

TIMELINE

Alexandria returns to Virginia

1846

The original government buildings constructed are all on the Maryland side of the Potomac River. People living in the portion of the District on the other side of the Potomac seek to rejoin Virginia. In 1846, Congress votes to give back to Virginia thirty-two square miles of land that Virginia donated to the government in 1790. Residents of Alexandria and Arlington counties again become Virginia citizens and are entitled to vote in that state.

First D.C. local government is formed

1871

The District of Columbia receives its first democratically elected government, which consists of a governor, a bicameral legislature with an appointed eleven member upper house, and an elected twenty-two-member lower house. District residents also elect a nonvoting delegate to the U.S. House of Representatives after Congress establishes this territorial government.

Congress takes over the District government

1878

In response to charges that the District government is corrupt and nearing bankruptcy, Congress creates a commission form of government to run the city. For the next century, three Presidentially appointed commissioners run the district. The position of the nonvoting delegate is abolished.

The District gains a nonvoting delegate to the House of Representatives

1970

The U.S. House of Representatives restores the position of nonvoting delegate from the District of Columbia. The Honorable Walter Fauntroy is elected to the position in 1971.

Home rule is achieved

1973

Congress passes the District of Columbia Self-Government Reorganization Act, which provides for an elected mayor and city council for Washington, D.C. Walter E. Washington becomes the city's first elected mayor under the new system.

A statehood amendment fails

1985

Although it receives overwhelming bipartisan support in Congress, a constitutional amendment granting voting rights to residents of the District of Columbia is approved by only sixteen of the thirtyeight states necessary for ratification. After seven years, the amendment expires.