



Leadership Conference on Civil Rights

1629 K Street, NW
10th Floor
Washington, D.C. 20006

Phone: 202-466-3311
Fax: 202-466-3435
www.civilrights.org

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Remarks of Wade Henderson

President of the Leadership Conference on Civil Rights

at the

Second United Nations Forum on Minority Issues

Geneva, Switzerland

November 12, 2009

Good afternoon. Thank you, Madam Chair for this opportunity to present the views of the Leadership Conference on Civil Rights¹ at this second United Nations Forum on Minority Issues. I am Wade Henderson, President and CEO of the Leadership Conference. The Leadership Conference is the oldest, largest, and most diverse civil and human rights coalition in the United States.² I am also the Joseph L. Rauh, Jr. Professor of Public Interest Law at the David A. Clarke School of Law, University of the District of Columbia. I am privileged to represent here today significant elements of the civil and human rights community of the United States to discuss issues at the core of the international human rights movement and which have a particular impact on the rights of my country's increasingly diverse racial and ethnic minority populations.

COMPLIANCE/ENFORCEMENT COMMITTEE CHAIRPERSON

Karen K. Narasaki
Asian American Justice Center

PRESIDENT & CEO

Wade J. Henderson

¹ The Honorable Barbara Lee (D.CA), United States of America, served as the Chair of these proceedings.

² The Leadership Conference was founded in 1950 by three giants of the civil and human rights movement in the United States: Roy Wilkins, President of the NAACP; Arnold Aronson, a leader of the National Jewish Community Relations Advisory Council; and A. Phillip Randolph, founding President of the Brotherhood of Sleeping Car Porters.



I will concentrate my brief remarks today on the denial of voting representation in the national legislature of the United States for the approximately 600,000 residents of Washington, DC, the capital city of my country. The issue of voting rights for the nation's capital is a matter of particular irony in a nation that prides itself on its democratic traditions, and yet is only one of a very few countries that deny voting representation in their national legislature to residents of their capital city. However, for purposes of this meeting, the real issue is the strong likelihood that the racial make-up of our nation's capital, which is majority African American, is a significant factor in the ongoing denial of this basic democratic right,

Despite its young history as a nation, the struggle for equality in the United States is filled with hard won victories and numerous setbacks. However, few areas are as contentious in this turbulent history as the struggle for voting rights - the very right that makes it possible to defend all our other rights – a right that many have protested, fought, and died to protect.

But for more than 200 years, the residents of our nation's capital have been denied voting representation in Congress. While D.C. residents were granted the right to vote for president in 1961,³ the right to voting representation in the Congress of the United States has remained out of reach.

The question presented to this body is simple; “Why are the residents of our nation's capital denied voting representation in Congress and the same measure of home rule as other Americans?” There appear to be two reasons for this anomaly. First, Washington, D.C. was

³ U.S. Constitution Amendment XXIII.

created as a federal district - the District of Columbia (the "D.C." in Washington, D.C.) and this unique status has been used a justification for the denial of this fundamental right. However, evolving standards of democracy in the United States make this argument increasingly untenable.

The more insidious reason, however, is that for the past half century or more, African Americans have made up a majority of the residents of Washington, D.C., which evidence would suggest, has prompted some of the opposition in Congress to providing the nation's capital with voting representation in the our national legislature. The Congressional record and other sources are replete with statements from members of Congress reflecting the racial animus that for far too long has been a deeply engrained element of American democracy.⁴

The practical consequences of this disenfranchised are significant. Taxation without representation is the first consequence; and second, Congress can unilaterally overturn all the laws passed by Washington's elected city council, all the actions of its elected mayor, and even all the interpretations of its laws by D.C. judges. Similarly, Congress must approve Washington, D.C.'s annual budget, including spending of the residents' own local tax dollars, including

⁴ See, e.g., Sen. John Tyler Morgan (D-AL), Dec. 1890 ("The negroes came into this District from Virginia and from other places; I know dozens of them here now who flocked in from Alabama. They came in here and they took possession of a certain part of this District . . . and there was but one way to get out . . . and that was to deny the right of suffrage entirely to every human being in the District and have every office here controlled by appointment instead of by election . . . in order to get rid of this load of negro suffrage that was flooded upon them."), quoted in Michael K. Fauntroy, *Home rule or house rule: Congress and the Erosion of Local Governance in the District of Columbia*, (Lanham, MD: University Press of America, Inc., 2003), at 93; also John N. Mitchell (fmr. U.S. Attorney General to Pres. Nixon), comparing in 1984 the existing D.C. government to the "Amos 'n' Andy Taxi Cab Co.," Christopher Hitchens, *For the Sake of Argument: Essays and Minority Reports*, (London: Verso, 1993) at 27.



money for a needle exchange program to combat the AIDS epidemic, which has reached catastrophic levels in the District of Columbia.

From a broader civil and human rights perspective, the continued disenfranchisement of DC residents before Congress stands out as one of the most blatant violations of the most important civil right that citizens of democratic state process: the right to vote. It should also be seen as a violation of U.S. obligations under the Covenant of the Civil and Political Rights.⁵

Indeed, the international community has taken notice of this problem. In December of 2003, for example, a body of the Organization of American States (OAS) declared the U.S. in violation of provisions of the American Declaration of the Rights and Duties of Man, a statement of human rights principles to which the U.S. subscribed in 1948. In 2005, the Organization for Security and Cooperation in Europe, of which the U.S. is a member, also weighed in. It urged the United States to “adopt such legislation as may be necessary” to provide DC residents with equal voting rights.

On behalf of the Leadership Conference, I respectfully urge the U.N. Human Rights Council, the Office of the High Commissioner for Human Rights, and Minority Rights Group International to

⁵ International Covenant on Civil and Political Rights, adopted Dec. 19, 1966, 999 U.N.T.S. 171 (signed by President Carter, Oct. 5, 1977; ratified Sept. 8, 1992) (As Signatories of the ICCPR treaty the U.S. recognized the inherent dignity, equality and inalienable rights of all members of the human family and promised to “take the necessary steps, in accordance with its constitutional processes . . . to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.” Thus, the United States’ denial of such rights to its citizens in the District of Columbia represents a failure to meet its obligations because enjoyment of civil and political freedom “can only be achieved when conditions are created whereby *everyone* may enjoy his [or her] civil and political rights....”)(emphasis added).



consider anew of the political status of residents of the District of Columbia, and to condemn this denial of its fundamental rights to vote.

Thank you,