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THE WHITE HOUSE

WASHINGTON

September 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed District of Columbia Constitution

Courts Oulahan, a delegate to the D.C. Statehood Constitutional Convention who voted against the Constitution eventually approved by District voters, has written concerning a meeting of the Statehood Compact Commission scheduled for September 26, 1983. Pursuant to D.C. Code § 1-116, the Convention is empowered to establish this Commission, "which shall consist of members of the Statehood Commission as may be deemed necessary by the convention, as well as an equal number of members representing the federal government as may be authorized by the President or the Congress of the United States." The duties of the Commission include studying means of transferring authority from the federal government to the state of New Columbia, reporting to the Convention, and advising the public of the progress of the Convention "through a newspaper of general circulation." D.C. Code § 1-116(b). A press release issued by the Convention on September 7 announced that the Commission "begins its work" on September 26.

Presidential Personnel and the Executive Clerk confirm that the President has made no appointments to the Commission. I have not discovered any evidence of Congressional action. I have asked the Office of Legal Counsel about the legality of Presidential appointments pursuant to local law, but have not yet heard back from them. Although the powers of the Commission appear to be largely advisory, suggesting the President could appoint representatives on his own, I do not think it desirable for the President to become involved in D.C. Statehood issues in the absence of a Congressional request.

In his letter Mr. Oulahan urges the President not to appoint representatives to the Commission, stating that the convening of the Commission is simply an effort to put pressure on Congress, which is considering the D.C. Constitution at the moment. He also points out the glaring flaws in the D.C. Constitution, and urges a review of the threat those flaws pose for the federal government.

I suggest that we do nothing in this area, and if asked state that we are waiting for Congressional authorization or

guidance before appointing any federal representatives. I have prepared a bland reply to Oulahan. He is a protagonist in the statehood debate (albeit on the side of truth and justice), and we should not appear to be working behind the scenes with him.

Attachments

THE WHITE HOUSE

WASHINGTON

September 23, 1983

Dear Mr. Oulahan:

Thank you for your letter of September 8 concerning the District of Columbia Constitution and the Statehood Compact Commission. We appreciate having the benefit of your informed views on these subjects and will give them every appropriate consideration.

Sincerely,

Orig. signed by FFF

Fred F. Fielding  
Counsel to the President

Courts Oulahan, Esquire  
1527 18th Street, N.W.  
Washington, D.C. 20036

FFF;JGR:aea 9/23/83

bcc: FFFielding/JGRoberts/Subj./Chron

SEP 26 1983

THE WHITE HOUSE

WASHINGTON

September 23, 1983

Dear Mr. Oulahan:

Thank you for your letter of September 8 concerning the District of Columbia Constitution and the Statehood Compact Commission. We appreciate having the benefit of your informed views on these subjects and will give them every appropriate consideration.

Sincerely,

Fred F. Fielding  
Counsel to the President

Courts Oulahan, Esquire  
1527 18th Street, N.W.  
Washington, D.C. 20036

JR

ID # 171912 CU

FG114

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 1 1Name of Correspondent: COURTS OULAHAN☐ MI Mail Report

User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Proposed District of Columbia Constitution

## ROUTE TO:

## ACTION

## DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CULB011</u>	ORIGINATOR	<u>83109115</u>			<u>1 1</u>
	Referral Note:				
<u>CUAT 18</u>	<u>D</u>	<u>83109116</u>		<u>S</u>	<u>83109125</u>
	Referral Note:				
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	Referral Note:				

## ACTION CODES:

A - Appropriate Action  
C - Comment/Recommendation  
D - Draft Response  
F - Furnish Fact Sheet  
to be used as Enclosure

I - Info Copy Only/No Action Necessary  
R - Direct Reply w/Copy  
S - For Signature  
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C - Completed  
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COURTS OULAHAN  
ATTORNEY AT LAW  
SUITE 300  
1527 EIGHTEENTH STREET, N. W.  
WASHINGTON, D. C. 20036  
(202) 462-1721

171912 *CO*

September 8, 1983

Fred Fielding, Esq.  
Counsel  
The White House  
Washington, D.C. 20500

Re: Proposed District of Columbia Constitution

Dear Mr. Fielding:

I write in order to bring to your attention matters of immediate concern with respect to the proposed D.C. Constitution, as well as long-term concerns which deserve review by the President's legal advisor.

If the Constitution is adopted as drafted, it will disrupt Federal/District of Columbia relations and create an atmosphere in the District which will adversely affect the Legislature, the Courts, and the Executive, to the detriment of the national interest.

1. Presidential Appointment of Statehood Compact Commission Members. According to the attached statement by the President of the Constitutional Convention (Exhibit A), a meeting of the Statehood Compact Commission will be held on September 26, 1983. The purpose of the Commission is to prepare the transition from home rule to statehood, including the cession of certain Federal powers to the new State. Under 1 D.C. Code § 1-116, the Federal members of the Compact Commission are to be appointed by either the President or the Congress. (Exhibit B).

2. To my best knowledge, no such appointments have been made by either the Executive or the Legislature. Eight members of the Statehood Commission appointed by the Convention have not been appointed by a quorum of that Convention. To my best knowledge, no meeting of the Statehood Commission ever has been held at which a quorum was present. Instead, in the name of the Statehood Commission, a D.C. Statehood Support Committee has been running the show. This is a strictly political body, controlled by the Officers of the Convention.

3. I am informed that, at the very least, the proposed Constitution will be extensively amended and sent back to the D.C. voters for consideration. There is a distinct possibility

that the document will be rejected en toto. Therefore, the meeting of a Statehood Compact Commission is, at the very least, premature. The purpose of the Convention President's calling the meeting is to put pressure on Congress to approve the document without change.

4. I therefore urge that no action be taken by or on behalf of the President to appoint any Federal representatives to meet with the Convention body. To protect the President, in the event that a request for such appointment be made, I suggest the following statement:

"Representatives of the District of Columbia Statehood Constitutional Convention have asked the President to appoint representatives of the Federal Government to meet with them and to form a Statehood Compact Commission. The purpose of the Commission is to discuss and work out a transition of Federal authority to a proposed new State of New Columbia.

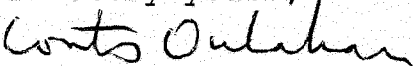
"Such a meeting at this time would be entirely premature. The proposed Constitution is now pending before the Congress. It would be presumptuous of the Executive Branch to participate in any activity which preempted the right of Congress to consider the proposed Constitution for amendment, adoption, or rejection."

5. With respect to the long-term problems of Federal and District of Columbia relations, I attach two articles (Exhibits C and D). I have attempted to deal with the very serious problems which would arise if this Constitution, as drafted, were adopted. Its provisions would have a devastating effect, among other things, on law enforcement and the integrity of the Courts, the right to the D.C. National Guard to strike, and an absolute "right to revolution" (euphemistically called a "right to change"--by any means possible).

6. I have underlined portions of the text which deal with some of these matters. I believe that the Executive Branch should now commence examining these problems.

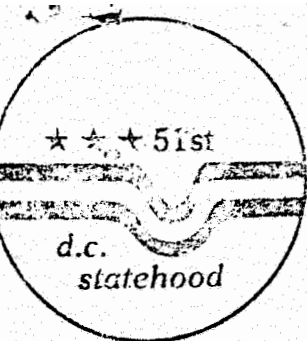
I shall be ready to assist you in any way feasible. Please do not hesitate to call upon me.

Sincerely yours,

  
Courts Oulahan

CO/wch





# DISTRICT OF COLUMBIA STATEHOOD CONSTITUTIONAL CONVENTION

929 E STREET, N.W. • 9TH FLOOR • WASHINGTON, D.C. 20004

(202) 727-2411

THE MOVEMENT TOWARD POLITICAL EQUALITY THROUGH REPRESENTATIVE GOVERNMENT FOR THE CITIZENS OF THE DISTRICT OF COLUMBIA.....

CHARLES I. CASSELL  
PRESIDENT

JAMES W. BALDWIN  
FIRST VICE  
PRESIDENT

JANETTE HOSTON HARRIS  
SECOND VICE  
PRESIDENT

ALEXA FREEMAN  
THIRD VICE  
PRESIDENT

WILLIAM COOPER  
SECRETARY

RICHARD BRUNING  
ASSISTANT  
SECRETARY

THERESA JONES  
TREASURER

VICTORIA STREET  
HISTORIAN

## ● NOVEMBER 4, 1980

D.C. citizens pass Statehood Initiative law.

## ● NOVEMBER 3, 1981

D.C. citizens elect 45 delegates to write constitution for future state, to be called New Columbia.

## ● MAY 29, 1982

D.C. Statehood Constitutional Convention meets 90 day deadline for completing the constitution.

## ● NOVEMBER 2, 1982

D.C. citizens approve constitution by referendum.

## ● SEPTEMBER 1, 1983

Legislative History of the constitution completed.

## ● SEPTEMBER 9, 1983

Mayor Marion S. Barry, Jr. submits to the U.S. Congress.

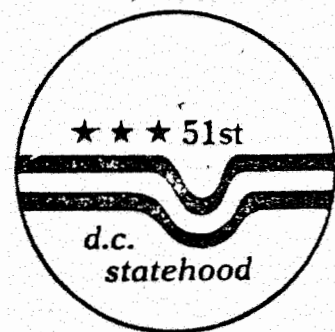
- A petition for admission of New Columbia as the 51st state.
- The constitution for New Columbia
- The legislative history of the constitution.

## ● SEPTEMBER 26, 1983

The D.C. Statehood Compact Commission, consisting of one D.C. Statehood Commissioner from each of the eight wards and a like number from the federal government, begins its work, as required by D.C. Law 3-171, in developing the technical feasibility for transfer of authority from federal to state jurisdiction.

## ● NOVEMBER 2, 1983

The Mayor has been requested to declare November 2, 1983, the first anniversary of the peoples' yes! vote on the constitution, as D.C. STATEHOOD DAY.



# DISTRICT OF COLUMBIA STATEHOOD CONSTITUTIONAL CONVENTION

929 E STREET, N.W. • 9TH FLOOR • WASHINGTON, D.C. 20004

(202) 727-2411

STATEMENT BY CHARLES I. CASSELL • PRESIDENT • SEPT. 7, 1983

Today marks one of the most significant events in the history of Washington, D.C., the capital city of the nation.

On three occasions, D.C. voters have expressed, at the polls, their desire to leave unrepresentative government behind and enjoy political equality with their brothers and sisters across the nation. They will do so again on Friday, September 9, 1983, by requesting, through their Mayor, that the United States Congress and the President of the United States approve the admission of New Columbia to the union of states.

On November 2, 1980, the citizens passed the "Statehood Initiative", which became D.C. Law 3-171. This law established the Statehood Constitutional Convention whose charge was to write a constitution for the future state.

On November 3, 1981, the voters elected 45 delegates to write the constitution.

On May 29, 1982, the delegates completed the new constitution within the 90 day limit established by the D.C. Council.

On November 2, 1982, the voters approved the constitution.

On September 1, 1983, the legislative history of the constitution was completed.

On September 9, 1983, Mayor Marion S. Barry, Jr. will submit to the United States Congress, a petition for admission of the future state of New Columbia as the fifty first state of the union. The petition will be accompanied by the constitution and its recently completed legislative history.

On September 26, 1983, The District of Columbia Statehood Compact Commission, consisting of one D.C. Statehood Commissioner from each of the eight wards, ~~and a like number of members from the federal government, begins its work, as required by D.C. Law 3-171, in developing the technical feasibility for transfer of authority from federal to state jurisdiction.~~

Finally, the Mayor has been asked to declare November 2, 1983, the first anniversary of the peoples' yes! vote on the constitution, as D.C. STATEHOOD DAY. This will be a day of educational activities throughout the city, focused upon its desire for fully representative government through statehood. One of the major features of the day's activities has been initiated by a proposal for study of the statehood movement in the public schools this fall, with a series of oratorical contests culminating in a citywide competition on D.C. STATEHOOD DAY.

The D.C. Statehood Support Committee, consisting of major D.C. organizations and individuals active in support of representative government, will offer leadership in the pursuit of political freedom for D.C.

CHARLES I. CASSELL  
PRESIDENT

JAMES W. BALDWIN  
FIRST VICE  
PRESIDENT

JANETTE HOSTON HARRIS  
SECOND VICE  
PRESIDENT

ALEXA FREEMAN  
THIRD VICE  
PRESIDENT

WILLIAM COOPER  
SECRETARY

RICHARD BRUNING  
ASSISTANT  
SECRETARY

THERESA JONES  
TREASURER

VICTORIA STREET  
HISTORIAN

# PART I.

## GOVERNMENT OF DISTRICT.

### TITLE 1. ADMINISTRATION.

#### Chapter

- 2. Self-Government . . . . . §§ 1-201 to 1-299.7.
- 13. Elections . . . . . §§ 1-1301 to 1-1334.
- 16. Codification and Publication of Acts, Resolutions,  
Rules and Orders . . . . . §§ 1-1601 to 1-1621.

#### CHAPTER 1. CREATION OF DISTRICT.

##### *Subchapter II. Statehood Constitutional Convention Initiative.*

#### Sec.

- 1-111. Purpose.
- 1-112. Questions to be presented to electors.
- 1-113. Call of convention; duties of convention;  
adoption of constitution; rejection  
of constitution.

#### Sec.

- 1-114. Composition of convention; election of  
delegate candidates; compensa-  
tion; office space; appropriations.
- 1-115. Statehood Commission.
- 1-116. Statehood Compact Commission.
- 1-117. Appropriations.

##### *Subchapter II. Statehood Constitutional Convention Initiative.*

#### § 1-111. Purpose.

The purpose of this initiative is to propose to the registered qualified electors of the District of Columbia the question of calling a statehood constitutional convention for the purpose of forming a constitution and otherwise providing a process for a major portion of the territory now known as the District of Columbia to be admitted in the Union as a state on equal footing with the other states. The acts of the convention shall be submitted for ratification by the people, as provided for in this initiative. (Mar. 10, 1981, D.C. Law 3-171, § 2, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(a), 28 DCR 3376.)

**Effect of amendment.** — D.C. Law 4-35 substituted "a major" for "that" and deleted "as specified below" preceding "to be admitted" in the first sentence.

**Emergency act amendment.** — For temporary amendment of section, see § 2 of the District of Columbia Statehood Constitutional Convention Emergency Amendment Act of 1981 (D.C. Act 4-75, August 6, 1981, 28 DCR 3576).

**Legislative history of Law 4-35.** — Law 4-35 was introduced in Council and assigned Bill No. 4-229, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 16, 1981, and June 30, 1981, respectively. Signed by the Mayor on July 20, 1981, it was assigned Act No. 4-62 and transmitted to both Houses of Congress for its review.

**§ 1-112. Questions to be presented to electors.**

For the purpose of this initiative, the District of Columbia Board of Elections and Ethics is authorized and directed to conduct at the next scheduled general, special, or primary election held after March 10, 1981, an election to fill the positions of delegate at-large and ward delegate to the constitutional convention, as prescribed in § 1-114. (Mar. 10, 1981, D.C. Law 3-171, § 3, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(b), 28 DCR 3376.)

**Effect of amendment.** — D.C. Law 4-35 substituted "to fill the positions of delegate at-large and ward delegate to the constitutional convention, as prescribed in § 1-114" for all the language which began "presenting to the registered qualified electors" and which ended with "the residents of the District of Columbia at a constitutional convention" formerly appearing at the end of the section.

**Emergency act amendment.** — For temporary amendment of section, see § 2 of the District of Columbia Statehood Constitutional Convention Emergency Amendment Act of 1981 (D.C. Act 4-75, August 6, 1981, 28 DCR 3576).

**Legislative history of Law 4-35.** — See note to § 1-111.

**§ 1-113. Call of convention; duties of convention; adoption of constitution; rejection of constitution.**

(a) Within 60 days after the Board of Elections and Ethics has certified the election of at-large and ward delegates to the constitutional convention pursuant to § 1-114 the Mayor of the District of Columbia shall call a constitutional convention and assemble the elected delegates. The convention shall write a constitution within 90 days which shall be republican in form and shall not be repugnant to the Constitution or laws of the United States, and it shall otherwise prepare for the admission of a major portion of the territory now known as the District of Columbia as a state.

(b) Within 60 days of the completion of the writing of the constitution, the Mayor shall take whatever steps are necessary to submit the proposed constitution at an election to the registered qualified electors for their adoption or rejection as well as a ballot pursuant to which such electors may elect their representatives to the Congress. In the event the constitution is adopted by a majority of the electors voting thereon, the constitution shall be submitted to the Congress of the United States by the officially elected Senators and Representatives of the new state. The qualifications and procedure for nominating candidates for the offices of Senator and Representative from the new state to the Senate and House of Representatives, respectively, shall be in accordance with the Constitution and laws of the United States.

(c) If a majority of the registered qualified electors voting reject the constitution, the Mayor shall within 60 calendar days call for the reassembly of the constitutional convention and thereafter a new constitution shall be framed and the same proceedings shall be taken for its submission to the electors of the District of Columbia: Except, that if the proposed constitution of a second constitutional convention is rejected by the registered qualified electors, then the task of writing a constitution acceptable to the electorate shall be abandoned until such time as a new constitutional convention is called for by either legislative action or voter initiative. The election of candidates for

the offices of Senators and Representatives from the new state shall not be voided by the rejection of the constitution. (Mar. 10, 1981, D.C. Law 3-171, § 4, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(c), 28 DCR 3376.)

**Effect of amendment.** — D.C. Law 4-35 substituted "the election of at-large and ward delegates to the constitutional convention pursuant to § 1-114" for "that the proposition referred to in § 1-111 has been ratified" in the first sentence and inserted "within 90 days" and "a major portion of" in the second sentence of subsection (a), substituted "60" for "120" and deleted "and appropriate" following "necessary" and a comma following "rejection" in the first sentence in subsection (b), substituted "new state" for "District" in the second sentence and "new state" for "District of Columbia" in the third sentence of that

subsection, substituted "within 60 calendar days" for "immediately" and added the exception in the first sentence of subsection (c) and substituted "new state" for "District of Columbia" in the second sentence of that subsection.

**Emergency act amendment.** — For temporary amendment of section, see § 2 of the District of Columbia Statehood Constitutional Convention Emergency Amendment Act of 1981 (D.C. Act 4-75, August 6, 1981, 28 DCR 3576).

**Legislative history of Law 4-35.** — See note to § 1-111.

### **§ 1-114. Composition of convention; election of delegate candidates; compensation; office space; appropriations.**

(b) Candidates for at-large delegates shall file with the Board of Elections and Ethics a nominating petition signed by at least 200 of the registered qualified electors of the District of Columbia such that there will be at least 25 certified signatures from each of the 8 election wards. The 5 candidates for at-large delegate who receive the highest number of votes shall be declared elected and shall serve for 3-year terms.

(c) Candidates for the ward delegate positions shall file with the Board of Elections and Ethics a nominating petition signed by at least 50 of the registered qualified electors from the election ward from which the candidate seeks nomination. The 5 candidates from each of the 8 election wards receiving the highest number of votes shall be declared elected to represent that ward and shall serve for 3-year terms.

(e)(1) Except as they may be modified by this section, the election procedures prescribed by Chapter 13 of this title and Chapter 14 of this title for at-large and ward candidates for the Board of Education shall be applicable in respect to at-large and ward candidates for delegate to the constitutional convention.

(2) Each candidate for delegate and each delegate to the constitutional convention shall be a registered qualified voting resident of the District of Columbia and the discontinuance of such residence shall result in forfeiture of the convention seat occupied by such delegate. Each candidate for delegate and each delegate representing a ward shall be a registered qualified voting resident of that ward and the discontinuance of such residence in that ward shall result in forfeiture of the convention seat occupied by such ward delegate. No ward delegate shall forfeit his or her seat solely by reason of a change in ward boundaries.



## § 1-115

## DISTRICT OF COLUMBIA CODE

(3) A vacancy in the convention arising from any cause shall be filled temporarily by the convention and such temporary appointee may serve for the remainder of the 3-year term or until such earlier time as the seat has been filled by an election which shall be held by the Board of Elections and Ethics in accordance with its regulations concurrently with the earliest practicable special, primary, or general election being held to fill 1 or more offices other than that of convention delegate.

(Oct. 8, 1981, D.C. Law 4-35, § 2(d), 28 DCR 3376; Nov. 17, 1981, D.C. Law 4-52, § 3(a), 28 DCR 4348.)

**Section references.** — This section is referred to in §§ 1-112 and 1-113.

**Effect of amendments.** — D.C. Law 4-35 rewrote the second sentence in subsection (b), substituted "shall be declared elected to represent that ward and shall serve for 3-year terms" for "in succeeding order will be declared the winners" in the second sentence and deleted the former last sentence in subsection (c), and rewrote subsection (e).

D.C. Law 4-52, in paragraph (1) of subsection (e), substituted "Chapter 13 of this title" for "1-1312" and inserted "and Chapter 14 of this title."

**Only part of section set out.** — As the rest of the section was not affected by the amendments, it is not set out in the Supplement.

**Emergency act amendment.** — For temporary amendment of section, see § 2 of the District of Columbia Statehood Constitutional Convention Emergency Amendment Act of 1981 (D.C. Act 4-75, August 6, 1981, 28 DCR 3576).

**Legislative history of Law 4-35.** — See note to § 1-111.

**Legislative history of Law 4-52.** — Law 4-52 was introduced in Council and assigned Bill No. 4-270, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on July 28, 1981, and September 15, 1981, respectively. Signed by the Mayor on September 25, 1981, it was assigned Act No. 4-89 and transmitted to both Houses of Congress for its review.

## § 1-115. Statehood Commission.

(b) It shall be the duty of the Statehood Commission to educate, advocate, promote, and advance the proposition of statehood for the District of Columbia within the District of Columbia and elsewhere.

(Oct. 8, 1981, D.C. Law 4-35, § 2(e), 28 DCR 3376.)

**Effect of amendment.** — D.C. Law 4-35 substituted "of Columbia and elsewhere" for "and the federal level" at the end of subsection (b).

**Only part of section set out.** — As the rest of the section was not affected by the amendment, it is not set out in this Supplement.

**Emergency act amendment.** — For temporary amendment of section, see § 2 of the District of Columbia Statehood Constitutional Convention Emergency Amendment Act of 1981 (D.C. Act 4-75, August 6, 1981, 28 DCR 3576).

**Legislative history of Law 4-35.** — See note to § 1-111.

## § 1-116. Statehood Compact Commission.

(b) It shall be the duty of the Statehood Compact Commission:

(4) Repealed.

(Oct. 8, 1981, D.C. Law 4-35, § 2(f), 28 DCR 3376.)

**Effect of amendment.** — D.C. Law 4-35 repealed paragraph (4) of subsection (b).

**Only part of section set out.** — As the rest

of the section was not affected by the amendment, it is not set out in this Supplement.

**Emergency act amendment.** — For temporary amendment of section, see § 2 of the District of Columbia Statehood Constitutional Convention Emergency Amendment Act of 1981 (D.C. Act 4-75, August 6, 1981, 28 DCR 3576).

**Legislative history of Law 4-35.** — See note to § 1-111.

## § 1-117. Appropriations.

There is authorized to be appropriated from the General Fund of the District of Columbia an amount for the salaries and office expenses of the elected representatives to the Senate and House referred to in § 1-113 (b) during the period of their service prior to the admission of the proposed new state into the union. (Mar. 10, 1981, D.C. Law 3-171, § 8, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(g), 28 DCR 3376.)

**Effect of amendment.** — D.C. Law 4-35 substituted "there is authorized to be appropriated from the General Fund of the District of Columbia an amount for the salaries and office expenses of the" for "the District of Columbia government shall accept the full responsibility of its" at the beginning of the section, inserted "to the Senate and House referred to in § 1-113 (b)" and substituted "the period of their service prior to the admission of the proposed new state into the union" for "their term of office as members of the Congress

in accordance with the standards of the United States Congress (Congressional staffing and budget)" at the end of the section.

**Emergency act amendment.** — For temporary amendment of section, see § 2 of the District of Columbia Statehood Constitutional Convention Emergency Amendment Act of 1981 (D.C. Act 4-75, August 6, 1981, 28 DCR 3576).

**Legislative history of Law 4-35.** — See note to § 1-111.

## CHAPTER 2. SELF-GOVERNMENT.

### *Subchapter I. General Provisions.*

Sec.

1-202. Definitions.

### *Subchapter III. Council.*

1-227. Powers.

1-233. Limitations.

1-235. Seal.

### *Subchapter V. Advisory Neighborhood Commissions.*

1-254. Single-member districts.

1-257. Same — Election of members; term of office; vacancies; change in residency; resignation; removal.

### *Subchapter VIII. Government Reorganization Procedures.*

Sec.

1-299.1. Purposes.

1-299.2. Definitions.

1-299.3. Process of reorganization defined.

1-299.4. Preparation, transmittal, publication and effective date of reorganization plan.

1-299.5. Contents and format of reorganization plan.

1-299.6. Transmittal of District of Columbia government organization chart.

1-299.7. Report on District boards and commissions.

### *Subchapter I. General Provisions.*

## § 1-201. Purposes.

Cited in *District of Columbia v. Sullivan*, App. D.C., 436 A.2d 364 (1981).

CREATION OF DISTRICT

§ 1-112

ations of the City of Washington are extended and made applicable to that part of the District of Columbia formerly known as the City of Georgetown. The title and existence of said Georgetown as a separate and independent city by law is abolished. Nothing in this section shall operate to affect or repeal existing law making Georgetown a port of entry, except as to its name. (R.S., D.C., § 94; Feb. 11, 1895, 28 Stat. 650, ch. 79; 1973 Ed., § 1-107.)

Cited in *Central Amusement Co. v. District of Columbia*, App. D.C., 121 A.2d 865 (1956).

§ 1-108. Name of Uniontown changed to Anacostia.

That portion of the District of Columbia prior to April 22, 1886, known and designated as Uniontown, shall be known and designated as Anacostia. (Apr. 22, 1886, 24 Stat. 14, ch. 58; 1973 Ed., § 1-108.)

~~Chapter II. Statehood Constitution~~

§ 1-111. Purpose.

The purpose of this initiative is to propose to the registered qualified electors of the District of Columbia the question of calling a statehood constitutional convention for the purpose of forming a constitution and otherwise providing a process for that portion of the territory now known as the District of Columbia, as specified below, to be admitted in the Union as a state on equal footing with the other states. The acts of the convention shall be submitted for ratification by the people, as provided for in this initiative. (Mar. 10, 1981, D.C. Law 3-171, § 2, 27 DCR 4732.)

**Section reference.** — This section is referred to in § 1-113.

**Legislative history of Law 3-171.** — Law 3-171 was submitted to the electors of the District of Columbia on November 4, 1980, as Initiative No. 3. The results of the voting,

certified by the Board of Election and Ethics on November 21, 1980, were 90,533 for the Initiative and 60,972 against the Initiative. It was transmitted to both Houses of Congress for its review on January 19, 1981.

§ 1-112. Questions to be presented to electors.

For the purpose of this initiative, the District of Columbia Board of Elections and Ethics is authorized and directed to conduct at the next scheduled general, special or primary election held after March 10, 1981, an election presenting to the registered qualified electors of the District of Columbia for their approval or disapproval the proposition of calling a statehood constitutional convention as well as a ballot pursuant to which such electors may elect, contingent upon the ratification of such proposition by a majority of the electors voting thereon, delegates to represent the residents of the District of Columbia at a constitutional convention. (Mar. 10, 1981, D.C. Law 3-171, § 3, 27 DCR 4732.)



## § 1-113

## ADMINISTRATION

**Section reference.** — This section is referred to in § 1-114. **Legislative history of Law 3-171.** — See note to § 1-111.

### § 1-113. Call of convention; duties of convention; adoption of constitution; rejection of constitution.

(a) Within 60 days after the Board of Elections and Ethics has certified that the proposition referred to in § 1-111 has been ratified, the Mayor of the District of Columbia shall call a constitutional convention and assemble the elected delegates. The convention shall write a constitution which shall be republican in form and shall not be repugnant to the Constitution or laws of the United States, and it shall otherwise prepare for the admission of the territory now known as the District of Columbia as a state.

(b) Within 120 days of the completion of the writing of the constitution, the Mayor shall take whatever steps are necessary and appropriate to submit the proposed constitution at an election to the registered qualified electors for their adoption or rejection, as well as a ballot pursuant to which such electors may elect their representatives to the Congress. In the event the constitution is adopted by a majority of the electors voting thereon, the constitution shall be submitted to the Congress of the United States by the officially elected Senators and Representatives of the District. The qualifications and procedure for nominating candidates for the offices of Senator and Representative from the District of Columbia to the Senate and House of Representatives, respectively, shall be in accordance with the Constitution and laws of the United States.

(c) If a majority of the registered qualified electors voting reject the constitution, the Mayor shall immediately call for the reassembly of the constitutional convention and thereafter a new constitution shall be framed and the same proceedings shall be taken for its submission to the electors of the District of Columbia. The election of candidates for the offices of Senators and Representatives from the District of Columbia shall not be voided by the rejection of the constitution. (Mar. 10, 1981, D.C. Law 3-171, § 4, 27 DCR 4732.)

**Section reference.** — This section is referred to in § 1-114. **Legislative history of Law 3-171.** — See note to § 1-111.

### § 1-114. Composition of convention; election of delegate candidates; compensation; office space; appropriations.

(a) The constitutional convention authorized by this initiative shall consist of 45 delegates selected in the following manner: Five delegates elected at large; and 5 delegates elected from each of the 8 election wards.

(b) Candidates for at-large delegates shall file with the Board of Elections and Ethics a nominating petition signed by at least 200 of the registered qualified electors of the District of Columbia such that there will be at least 25 certified signatures from each of the 8 election wards. The 2 candidates for the position of at-large delegate who receive the highest and second highest num-

er of votes shall serve for a term of 4 years and the remaining 3 candidates elected at-large shall serve for a term of 2 years.

(c) Candidates for the ward delegate positions shall file with the Board of Elections and Ethics a nominating petition signed by at least 50 of the registered qualified electors from the election ward from which the candidate seeks nomination. The 5 candidates from each of the 8 election wards receiving the highest number of votes in succeeding order will be declared the winners. The candidates from each of the 8 election wards receiving the highest number of votes shall serve for a term of 4 years and the remaining 3 candidates from each of the 8 election wards elected for the ward delegate positions shall serve for a term of 2 years.

(d) Each of the elected delegates, as authorized by subsection (a) of this section, shall be entitled to receive \$30 per diem when engaged in the performance of the duties of the constitutional convention.

(e) A delegate to the statehood constitutional convention may hold no other elected or appointed position in the District of Columbia or of the United States government.

(f) The District of Columbia government shall furnish such space in public buildings for the constitutional convention as is necessary to accommodate public attendance at convention hearings, meetings, and sessions, and shall provide all records and services as may be required by the constitutional convention for carrying out its function.

(g) There is hereby authorized an appropriation from the General Fund of the District of Columbia a sum not in excess of \$400,000 to the constitutional convention for such expenses as it may have in carrying out its duties and responsibilities under this initiative.

(h) There is hereby authorized an appropriation from the General Fund of the District of Columbia a sum not in excess of \$50,000 to the Board of Elections and Ethics for the administration of the elections authorized in §§ 1-112 and 1-113 (b), and in otherwise carrying out the provisions of this initiative. (Mar. 10, 1981, D.C. Law 3-171, § 5, 27 DCR 4732.)

Legislative history of Law 3-171. — See note to § 1-111.

### § 1-115. Statehood Commission.

(a) The constitutional convention shall have the power to establish a commission to be known as the "Statehood Commission", which shall consist of 24 members, 3 appointed from each of the 8 election wards of the District of Columbia.

(b) It shall be the duty of the Statehood Commission to educate, advocate, promote and advance the proposition of statehood for the District of Columbia within the District and the federal level.

(c) There is hereby authorized an appropriation from the General Fund of the District of Columbia a sum not in excess of \$250,000 to the Statehood Commission for such expenses as it may have in carrying out its duties and responsibilities under this initiative. (Mar. 10, 1981, D.C. Law 3-171, § 6, 27 DCR 4732.)

## § 1-116

## ADMINISTRATION

Legislative history of Law 3-171. — See note to § 1-111.

### § 1-116. Statehood Compact Commission.

(a) The constitutional convention shall have the power to establish a commission to be known as the "Statehood Compact Commission", which shall consist of members of the Statehood Commission as may be deemed necessary by the convention, as well as an equal number of members representing the federal government as may be authorized by the Congress of the United States.

(b) It shall be the duty of the Statehood Compact Commission:

(1) To conduct a full and complete study of the necessary and appropriate legislation and administrative action that must be taken in order to facilitate the transfer of authority and functions over that portion of the District of Columbia which will comprise the new state;

(2) To give special consideration to the relationship that should be developed to secure and maintain any special federal interest in the new state;

(3) To submit to the constitutional convention full and detailed reports with findings and recommendations; and

(4) To inform the citizenry on a daily basis of the progress of the convention through a newspaper of general circulation.

(c) There is hereby authorized an appropriation from the General Fund of the District of Columbia a sum not in excess of \$50,000 to the Statehood Compact Commission for such expenses as it may have in carrying out its duties and responsibilities under this initiative. (Mar. 10, 1981, D.C. Law 3-171, § 7, 27 DCR 4732.)

Legislative history of Law 3-171. — See note to § 1-111.

### § 1-117. Standards of conduct.

The District of Columbia government shall accept the full responsibility of its elected representatives during their term of office as members of the Congress in accordance with the standards of the United States Congress (Congressional staffing and budget). (Mar. 10, 1981, D.C. Law 3-171, § 8, 27 DCR 4732.)

Legislative history of Law 3-171. — See note to § 1-111.

**§ 1-118. Severability.**

If any provisions or section of this measure or the application thereof, shall in any circumstances be held invalid, such invalidity shall not affect the validity of the remainder of the provisions or applications. (Mar. 10, 1981, D.C. Law 3-171, § 9, 27 DCR 4732.)

Legislative history of Law 3-171. — See note to § 1-111.