



D I S T R I C T O F C O L U M B I A B A R  
*District of Columbia Affairs Section*

Before the Council of the District of Columbia  
 Committee of the Whole  
 Committee on the Judiciary and Subcommittee on Labor, Voting Rights and Redistricting

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Testimony of

THE DISTRICT OF COLUMBIA AFFAIRS SECTION  
 of the District of Columbia Bar  
 in Support of

PR 14-34, "Sense of the Counsel Regarding the Establishment of an Attorney General for the  
 District of Columbia Resolution of 2001" and  
 Bill 14-22 "Local Selection of Judges Charter Amendment Act of 2001"

The District of Columbia Affairs Section of the District of Columbia Bar<sup>1</sup> is pleased to submit this testimony in support of appointment or election of judges and prosecutors by the people of the District of Columbia or their elected representatives. I am Matthew Watson, Cochair of the Section. We commend the Council for airing these issues, but are distressed that we must plead for rights in the 21<sup>st</sup> century which were recognized by the nation's founders in the 18<sup>th</sup> century.

Indeed, the inherent rights of citizens to establish their own judiciary and locally control prosecutions were identified in the *Declaration of Independence* as grievances compelling our revolution. Just as King George did 225 years ago, the President and Congress now "obstruct the Administration of Justice, by refusing [their] Assent to Laws for establishing Judiciary powers" and have "made Judges dependent on [their] Will alone . . . ." While we, as District residents, are not "transported . . . beyond the Seas to be tried for pretended offenses" as in colonial times, District residents are still prosecuted by officers whom we have no part in appointing.

In addition to the fact that our fellow citizens in the District of Columbia have no input into the nomination of judges and prosecutors, it is particularly humiliating that nominees for both our judges and prosecutors are confirmed by a body, the United States Senate, in which no District resident has even the right to speak, let alone be listened to.

Lest it be thought that, by supporting this legislation, we advocate that citizens of the District of Columbia have rights equal to citizens of the 50 states, we do not go that far before you today. Today we only advocate that the Federal taxpaying residents of the District of Columbia have rights equal to nontaxpaying residents of the territories of the United States. We support, as does this proposed legislation, that, with respect to the local judicial process, District of Columbia residents be promoted from third-class citizenship to the second-class American citizenship granted by Congress to territorial residents. For example, consistent with all other territories, the Congress has permitted the locally elected Governor of Guam to appoint judges and the nontaxpaying citizens of Guam to elect their own Attorney General. 48 U.S.C. §1424-1 and 1421g(d), respectively.

The District of Columbia Affairs Section of the District of Columbia Bar wishes to be clearly on record that, with regard to the judiciary and prosecuting authorities, District of Columbia residents are entitled to at least have the rights of residents of Guam and the other territories of the United States.

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<sup>1</sup>The views expressed herein represent only those of the District of Columbia Affairs Section of the District of Columbia Bar and not those of the D.C. Bar or of its Board of Governors.