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

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 Bar1 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
21st century which were recognized by the nation’s founders in the 18th 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 taxing 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.

---

1The 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.