their vice presidents. Americans seeking to reward Ronald Reagan in his second term could give him an indirect vote of confidence—a third term of sorts—by electing his handpicked vice president, George H. W. Bush, to replace him. So, too, with Bill Clinton and his anointed successor, Al Gore.[12] Indeed, since the adoption of the Two Term Amendment, America has witnessed a remarkable rise in the status of her vice presidents. Of the vice presidents chosen between the 1804 adoption of the Presidential Selection Amendment (which effectively downgraded the vice presidency) and the 1951 ratification of the Two Term Amendment (which indirectly upgraded it), less than one in six ever went on to win a major-party nomination to the presidency itself. After 1952—the first election under the new rules—more than half of the VPs would later head the party ticket. Starting with Eisenhower, every one of the five retiring presidents in the late twentieth century watched his party tap his handpicked vice president as its next presidential candidate—a result that occurred only twice in all the years from Jefferson through Truman. Along this dimension, it would seem that the amendment has been a remarkable success, prompting presidents to pick stronger VPs and encouraging the republic to avoid thinking of any one man as utterly indispensable.[13]

"The District"

The capital city of a nation that began as the world's leading democracy and that continues to see itself in that light has never been an equal participant in that democracy. But in 1961, Americans ratified an amendment—the Twenty-third, to be precise—that integrated the District of Columbia into the electoral-college system.

The constitutionally awkward status of the District may be teased out of the nation's very name: United *States*. How should Americans conceptualize parts of the nation that lack the status of states? Answers to this question have varied over time. When the phrase "united states" was first emblazoned across the Declaration of Independence, Americans were not yet thinking of anything other than states. No union territory existed. Rather, individual states laid (conflicting) claims to the ultramontane West. The text of the Articles of Confederation said nothing about a collective Western territory, but as we have seen, landless Maryland refused to ratify that text until landed states such as Virginia agreed to cede their Western claims to the union. Members of the Confederation Congress then proceeded to improvise a framework for the West that culminated in the Northwest Ordinance of 1787.

The Philadelphia framers made special provision in Article IV for direct federal governance of union territory and also provided in Article I for a federally run national seat. Early in the Washington Administration, Congress famously decided to locate the capital on the banks of the Potomac, not far from Mount Vernon. Because this new capital city was emphatically not a state, it would of course have no seats in the House, Senate, or electoral college. Nor would it have any constitutional right of home rule. Rather, Congress would have plenary legislative power over the District, as over the Western territories.

Throughout the antebellum era, the status of the District hardly seemed peculiar. After all, countless thousands of Americans in the West were receiving roughly similar constitutional treatment. Also, until the 1860 census, the District had fewer residents than even the tiniest state. But as the continental territories inexorably graduated into states, the sense of anomaly grew, as did the District's population. By 1900, the District could claim more residents than could any one of the six least populous states. Four of these had been admitted to statehood in the preceding dozen years. Only the District, it seemed, was doomed to *permanent* nonstatehood.

To be more precise, the District's status increasingly began to resemble not the ordinary continental territories, but rather a few extraordinary entities of distinctly diminished constitutional status: Indian reservations* and America's overseas possessions, such as Hawaii, the Philippines, and Puerto Rico. And the District had one other obvious thing in common with these other subordinated units: a sizable percentage of nonwhite residents. Blacks accounted for a third of the District's population in 1900 and more than half in 1960.

In fact, the District's black inhabitants had been a huge part of its history from the earliest days of the Republic. The First Congress chose a site along the banks of the Potomac to accommodate the South, in exchange for Southern concessions on other issues. The specific decision to encapsulate the city of Alexandria within the District assured that a large number

*On the constitutional status of Indian reservations, it should be noted that both the original Constitution (in Article I, section 2) and the later Fourteenth Amendment (in its own section 2) pointedly excluded "Indians not taxed"—that is, tribal Indians living on reservations—from congressional apportionment. In addition, the first section of the Fourteenth Amendment, granting birthright citizenship to all persons born under the American flag, excluded those not "subject" to U.S. "jurisdiction"—paradigmatically, Indians on reservations. This Indian exclusion appeared in plainer language in the text of the companion Civil Rights Act of 1866, 14 Stat. 27. In 1924, Congress conferred citizenship by statute on American Indians. Act of June 2, 1924, ch. 233, 43 Stat. 253.

of slaves would be part of the national capital from the outset. (This part of the District was eventually ceded back to Virginia in the 1840s.) In the aftermath of the Civil War, Reconstruction Republicans debated long and hard over the status of blacks in the national capital. In 1865, white voters in the District overwhelmingly rejected the idea of black suffrage, with nearly seven thousand opposed and only thirty-five in favor. But precisely because the District was not wholly self-governing, this vote hardly ended the matter. Congress enfranchised the District's blacks in early 1867, two months before it imposed black suffrage on the South and two years before it proposed universalizing black suffrage in the Fifteenth Amendment. In 1868, the capital city elected two black aldermen. Nevertheless, District self-government existed only within the limits laid down by Congress, which in 1874 reasserted its own control over the area.[14]

For much of the early twentieth century, District residents sought increased powers of home rule and a larger role in national governance. Why, we might wonder, did such pleas go unheeded until the 1960s? Conversely, why did this amendment finally succeed when it did?

THE STORY OF RACE, war, and suffrage in the mid-nineteenth century repeated itself somewhat in the mid-twentieth. As America's blacks had once proved themselves on the battlefields of the Civil War, so in World War II more than a million African Americans served in uniform. Much as an all-out struggle against the Slave Power had helped mobilize many whites against grotesque forms of racial subordination, so a war against Nazism helped delegitimate all American ideas that resembled Hitler's creed of Aryan Supremacy. And just as America's leaders in the Civil War had worried about the need to secure support overseas—by wooing British public opinion, for example—so America's leaders in the Cold War came to understand the importance of winning the hearts and minds of black- and brown-skinned peoples in Africa and Asia.[15]

Abolishing American apartheid would obviously improve the nation's image in these emerging military and ideological battlegrounds, and so would ending the seeming imperialism within the American federal system, whereby brown-skinned folk in Hawaii and black-skinned citizens in the District of Columbia found themselves at a distinct disadvantage in the basic governing structure. It is not entirely a coincidence that Hawaiian statehood and the D.C. Amendment came to pass less than two years apart, or that this last state to join the union was the first to ratify the D.C. plan, only a week after the amendment cleared Congress. (Alaska,

featuring its own sizable proportion of nonwhite natives—and exquisite proximity to the Soviet Union, a major plus for Cold War surveillance and other military purposes—had become the forty-ninth state just before Hawaii's admission.[16]) To see the connection between race and the D.C. Amendment from another angle, we need only note that of the eleven states that failed to ratify the amendment, ten came from the old Confederacy. The only ex-gray state that said yes was Tennessee, and the only ex-blue state that said no was Kentucky.

We should also note the specific timing of Congress's proposal, for it gently reminds us that America's presidency, though no formal part of the amendment process, nevertheless influences that process. Congress proposed the amendment in June 1960—only months before what was expected (and what in fact turned out) to be a presidential horse race down to the wire between Nixon and Kennedy. Black voters were being wooed by both sides. Republicans reminded blacks that theirs was the party of Lincoln, while Democrats (outside the South) proclaimed themselves the heirs of FDR and Truman. In 1948, with the Democratic Platform officially endorsing "extension of the right of suffrage to the people of the District of Columbia," the national black vote had given Truman his margin of victory.[17] More recently, Eisenhower had made inroads among blacks in 1956. In 1960, neither party could afford to take the Negro vote for granted. It is thus fitting that an amendment giving black voters more power—the first such amendment since Reconstruction—was proposed under a Republican president and ratified under a Democrat.

Yet the amendment's domain was limited. First, it folded the District into the electoral-college system but not into the House or Senate. (Even in presidential elections, if no candidate won an electoral-vote majority, the matter would continue to be decided in the House, where D.C. would have no vote.) In 1978, Congress would eventually propose a broader amendment integrating D.C. into the federal legislature,[18] but over the next seven years, less than half the needed states would agree. By this time, black voters had decisively migrated to the Democratic camp and Republican politicians were loath to give their rivals two new Senate seats and at least one new House seat. Since 1970, Congress has allowed D.C. to send a nonvoting representative to the House and has extended speech and debate privileges to this official.[19]

Second, the D.C. Amendment failed to offer District of Columbia voters any home-rule powers over the capital city itself. In 1973, when the chairmanship of the House Committee on the District of Columbia passed from a white South Carolinian to a black Michigander, Congress enacted

a new statute vesting various powers in a locally elected mayor and city council.[20]

Third, the D.C. Amendment capped the District's electoral votes. As with every state, the District was guaranteed a three-elector minimum, but the amendment went on to provide that in no case would the District, regardless of its population, receive more electoral votes than the smallest state. For example, in 1964, the District cast only three electoral votes, even though several less populous states—New Hampshire, North Dakota, Hawaii, Idaho, Montana, and South Dakota—got four votes apiece. On the other hand, thanks to the three-elector minimum, all these states and the District as well could be said to enjoy a leg up on the next tier of slightly larger states. For instance, Colorado, Oregon, and Arkansas each had well over twice the District's population in 1964, but each only cast six electoral votes.

Finally, the amendment provided no ironclad guarantee that the District's voters would in fact choose electors directly. Technically, the electors would be chosen "as the Congress may direct." In theory, Congress itself might try to appoint electors on behalf of the District. True, any state legislature might likewise resolve to appoint that state's electors. But the obvious difference was that disgruntled state voters could throw grabby state legislators out of office, whereas District residents would have no comparable power over Congress. Thus, the democratic anomaly of the District has been reduced but not eliminated.

"The right . . . to vote"

Much as the Twenty-third Amendment promised more democracy for the residents of the District, so the Twenty-fourth and Twenty-sixth Amendments extended the constitutional right to vote to two other segments of American society who had yet to receive their democratic due: the poor, and young adults. In the midst of these new voting-rights amendments, America also adopted a landmark voting statute redeeming the promise of her earliest voting-rights amendment.

Proposed in 1962 and ratified two years later, the Twenty-fourth Amendment guaranteed that "the right of citizens of the United States to vote" in federal elections "shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax." This language echoed and extended the phraseology of the Fifteenth and Nineteenth Amendments. What the Black Suffrage Amendment had