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# Hughes Hubbard & Reed

## Firm Lends Support to DC Residents Fighting for Voting Rights in Congress

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**June 11, 2019** — Hughes Hubbard has joined the fight to finally give residents of Washington, D.C., the right to vote for voting members of Congress.

On June 10, Hughes Hubbard filed a friend of the court brief on behalf of a group of constitutional law scholars in the U.S. District Court for the District of Columbia.

HHR filed the brief in support of a suit brought by [the DC Appleseed Center for Law and Justice and its pro bono partner Harris Wiltshire & Grannis](#) on behalf of a group of D.C. residents who argue that the continued denial of their right to vote for voting members of Congress is unconstitutional.

Five other groups also filed briefs in support of the plaintiffs: the U.S. House of Representatives; the Attorney General's Office of the District of Columbia; District of Columbia Historians; Public Interest Organizations; and concerned DC Legal Organizations and concerned DC Legal Professionals.

"Individually and collectively these briefs make a powerful case that at long last the residents of DC are entitled to a right other Americans already have and take for granted—the right to voting representation in Congress," said Walter Smith, executive director of DC Appleseed.

The plaintiffs argue that, under the Equal Protection Clause, Due Process Clause, and First Amendment of the U.S. Constitution, D.C. residents are entitled to voting representation in Congress.

In their amicus brief supporting the plaintiffs, the constitutional law scholars represented by HHR argue that Congress has the power under the District Clause of the Constitution to grant D.C. residents the right to elect voting members of Congress. Moreover, there is nothing in the Constitution that precludes Congress from granting D.C. residents that right.

The government argues that only U.S. citizens who live in states have the right to elect voting members of Congress. But the constitutional law scholars highlight the fact that, while D.C. residents do not reside in a state, Congress has extended the right to vote to U.S. citizens who do not live in states on a number of occasions, including to residents of federal enclaves and U.S.-citizen expatriates who may never return to the United States.

The constitutional law scholars are: Peter B. Edelman, a professor at Georgetown University Law Center; Lawrence Lessig, a professor at Harvard Law School; Alan B. Morrison, an associate dean at The George Washington University Law School; Peter M. Shane, a professor at The Ohio State University Moritz College of Law; Peter J. Smith, a professor at The George Washington University Law School; and Kathleen M. Sullivan, a partner at Quinn Emanuel Urquhart & Sullivan and former dean of Stanford Law School.

The case is *Castañón v. United States*, and the parties will file additional briefs over the course of the summer, with oral argument likely to follow in the fall.

William Stein and Eleanor Erney appear on the brief. Eric Parnes, Chesley Burruss, Brian Kang and Lauryn Hardy assisted with research and drafting.

## Related People



**William R. Stein**



**Eleanor Erney**



**Eric S. Parnes**