EXECUTIVE OFFICE OF THE PRESIDENT
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WASHINGTON, D.C. 20503

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(Senate)

STATEMENT OF ADMINISTRATION POLICY

S. 1257 – District of Columbia House Voting Rights Act of 2007
(Sen. Lieberman (ID) Connecticut and 18 cosponsors)

The Administration strongly opposes passage of S. 1257. The bill violates the Constitution's provisions governing the composition and election of the United States Congress. Accordingly, if S. 1257 were presented to the President, his senior advisors would recommend that he veto the bill.

The Constitution limits representation in the House to Representatives of States. Article I, Section 2 provides: "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State legislature." The Constitution also contains 11 other provisions expressly linking congressional representation to Statehood.

The District of Columbia is not a State. Accordingly, congressional representation for the District of Columbia would require a constitutional amendment. Advocates of congressional representation for the District have long acknowledged this. As the House Judiciary Committee stated in recommending passage of such a constitutional amendment in 1975:

> If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential; statutory action alone will not suffice. This is the case because provisions for elections of Senators and Representatives in the Constitution are stated in terms of the States, and the District of Columbia is not a State.

Courts have reached the same conclusion. In 2000, for example, a three-judge panel concluded "that the Constitution does not contemplate that the District may serve as a state for purposes of the apportionment of congressional representatives." *Adams v. Clinton*, 90 F. Supp. 2d 35, 46-47 (D.D.C. 2000). The Supreme Court affirmed that decision. Furthermore, Congress's own Research Service found that, without a constitutional amendment, it is "likely that the Congress does *not* have authority to grant voting representation in the House of Representatives to the District of Columbia."

Claims that S. 1257 should be viewed as an exercise of Congress's "exclusive" legislative authority over the District of Columbia as the seat of the Federal government are not persuasive. Congress's exercise of legislative authority over the District of Columbia is qualified by other provisions of the Constitution, including the Article I requirement that representation in the House of Representatives is limited to the "several States." Congress cannot vary that

constitutional requirement under the guise of the “exclusive legislation” clause, a clause that provides the same legislative authority over Federal enclaves like military bases as it does over the District.

For all the foregoing reasons, enacting S. 1257’s extension of congressional representation to the District would be unconstitutional. It would also call into question (by subjecting to constitutional challenge in the courts) the validity of all legislation passed by the reconstituted House of Representatives.

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