

AMENDMENT TO H.R. 51, AS REPORTED
OFFERED BY MR. BIGGS OF ARIZONA

Insert before title I the following new section:

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Prior to the proposal and ratification of the
4 23rd article of amendment, a Democratic-controlled
5 Congress considered admission of Washington, D.C.
6 as a State and found “any attempted divestiture by
7 the Congress of its exclusive authority over the Dis-
8 trict of Columbia by invocation of its powers to cre-
9 ate new States would do violence to the basic con-
10 stitutional principle which was adopted by the fram-
11 ers of the Constitution in 1787 when they made pro-
12 vision for carving out the ‘seat of Government’ from
13 the States and set it aside as a permanent Federal
14 district.”.

15 (2) The 23rd article of amendment to the Con-
16 stitution provides that “The District constituting the
17 seat of Government of the United States shall ap-
18 point in such manner as the Congress may di-
19 rect. . .a number of electors of President and Vice
20 President[.]”.

1 (3) By its terms, the 23rd article of amendment
2 requires the District be entitled to at least three
3 electors for President and Vice President.

4 (4) All amendments to the Constitution are
5 part of the Constitution and cannot be repealed
6 through simple legislation or legislation that pro-
7 vides for a process to consider repeal through
8 amendment to the Constitution.

9 (5) The admission of the District of Columbia,
10 minus a small enclave to serve as the District de-
11 scribed in both article I, section 8 of the Constitu-
12 tion and the 23rd article of amendment to the Con-
13 stitution, would create the scenario of such enclave
14 being entitled to at least three electors for President
15 and Vice President.

16 (6) Such scheme would create constitutional cri-
17 ses in which either the President would serve as an
18 elector for his or her own reelection or the Congress,
19 controlled by a single party, would distribute the
20 electoral votes in a partisan fashion.

21 (7) No Attorney General since the passage of
22 the 23rd article of amendment has concluded that
23 the District of Columbia can become a State through
24 simple legislation.

1 (8) The Founding Fathers intended for the
2 District to be a thriving Federal city not reliant on
3 a single other State for protection or support.

4 (9) The Congress nonetheless intends to ignore
5 the Constitution (both in its original form and as
6 amended) and the Founding Fathers' intentions and
7 attempt to admit Washington, D.C. as a new State
8 under the name of Washington, Douglass Common-
9 wealth without a constitutional amendment and
10 through simple legislation.

