

**AMENDMENT OFFERED BY MR. BIGGS
TO THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 51**

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-

1 rect. . .a number of electors of President and Vice
2 President[.]”.

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

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7 part of the Constitution and cannot be repealed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

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

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

23 (7) No Attorney General since the passage of
24 the 23rd article of amendment has concluded that

1 the District of Columbia can become a State through
2 simple legislation.

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

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

