

The original documents are located in Box 10, folder “District of Columbia Representation, 1973-1974” of the Stanley Scott Papers at the Gerald R. Ford Presidential Library.

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OFFICE OF MANAGEMENT AND BUDGET
ROUTE SLIP

TO Andre Buckles

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See remarks below ☐

FROM Bill Leonard

DATE 10/23/74

REMARKS

Attached you will find a letter from the Department of Justice to Congressman Peter Rodino regarding two proposals related to D. C. representation in the Congress. This letter was cleared 5/22/73. As you can see, the letter sets out most of the statements made by the former President regarding D. C. voting representation.

There is also an earlier letter from Justice (signed by Kleindienst) setting forth similar positions but on earlier versions. I have a file on this matter, we should perhaps discuss it.



Justice

Advance

4/27/73

Honorable Peter W. Rodino, Jr.
Chairman, Committee on the
Judiciary
House of Representatives
Room 2462, Rayburn Building
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Justice on H.J. Res. 91, a proposal to amend the Constitution so as to provide for representation of the District of Columbia in both Houses of the Congress, and H.J. Res. 79, a proposal which would limit the District of Columbia to representation in the House of Representatives.

Since taking office, the President has repeatedly urged Congress to grant voting representation in Congress to the District of Columbia. In his 1969 Message to the Congress, recommending legislation for the Nation's Capital, the President stated:

"It should offend the democratic senses of this nation that the 850,000 citizens of its Capital, comprising a population larger than eleven of its states, have no voice in the Congress."



In order to correct this inequity, the President urged the Congress to propose, and the States to ratify, a constitutional amendment giving the District at least one representative in the House of Representatives, and such additional representatives in the House as the Congress shall approve, and to provide for the possibility of two Senators. In his 1971 Message to the Congress on the District, the President reaffirmed his support for a constitutional amendment giving the District at least one full voting representative in the House of Representatives, and such additional representation in one or both Houses as the Congress might approve. In his 1972 Message on the District of Columbia's Bicentennial Observance, the President once again gave support to such action, saying:

"It is my feeling that nothing we could do for the District of Columbia during the next 4 years would be more meaningful or more appropriate to the Spirit of '76 than granting this city and its people first-class status: voting representation in the Congress."

H.J. Res. 91 would carry out the President's recommendation. Section 1 would provide that the people of the District of Columbia shall elect at least one representative in Congress and, as may be provided by law, one or more additional Representatives or Senators, or both, up to the number to which the District would be entitled if it were a State. This amendment would assure the District of immediate voting representation in the House of Representatives, and also enable Congress to respond to future increases in population in the District and to provide for representation in the Senate.

Section 2 would confer power on the Congress to enforce the amendment by appropriate legislation, and section 3 would provide that the amendment shall have no effect on the provision in the Twenty-third Amendment for determining the number of electors for President and Vice President to be appointed for the District.

In contrast to H.J. Res. 91 is the approach taken to the problem of the District's representation in Congress by H.J. Res. 429, H.J. Res. 492, and H.J. Res. 493, which are substantially identical proposals. The major difference between them and H.J. Res. 91 is that they would give the District immediately two Senators, and the number of Representatives in the House to which it would be entitled if it were a State. Another difference is that they would enable each Representative or Senator from the District to participate in the choice of the President or Vice President under the Twelfth Amendment as if the District were a State. H.J. Res. 91 contains no such provision. It should be noted that H.J. Res. 429, 492, and 493 embody the provisions of H.J. Res. 396, which this Committee reported favorably in the 90th Congress, 1st Session. H. Rept. 819, 90th Cong., 1st Sess. (1967).



While H.J. Res. 396 reflected the ideal, it did not succeed in obtaining the approval of Congress, presumably because it went too far. This Department is not aware of any substantial change in congressional attitudes so as to warrant the belief that a similar proposal would be acceptable at this time. We do feel that a more moderate measure such as H.J. Res. 91 may well be within the realm of political achievement. Accordingly, the Administration is of the view that H.J. Res. 91 is preferable to no amendment at all, and urges its prompt approval.

Turning to H.J. Res. 79, it would provide that the District shall be entitled to elect Representatives in the House to be apportioned in the same manner as Representatives are apportioned among the several States. The effect of the proposal would be to give the District more than one Representative (according to its population). However, it would not confer on Congress the authority granted by H.J. Res. 91, to provide for representation in the Senate. The Department therefore opposes adoption of H.J. Res. 79.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program and that enactment of H.J. Res. 91 would be consistent with the Administration's objectives.

Sincerely,

MIKE McKEVITT
Assistant Attorney General

