

**Statement of Senator Edward M. Kennedy
on the District of Columbia House Voting Rights Act of 2007**

Mr. Chairman, thank you for holding this important hearing on the District of Columbia House Voting Rights Act of 2007. Providing a vote in Congress for the citizens of D.C. is long overdue, and I strongly support this legislation.

The issue is basic fairness. The right to vote is the cornerstone of American democracy, and it's a gross injustice to deny that right to those who live in the nation's capital.

In the 1970s and 1980s, we worked hard to correct the wrong caused by the District's lack of representation in both the House and Senate. We finally passed a constitutional amendment giving D.C. full, equal representation in the House and Senate – but unfortunately it was not ratified by enough states to become part of the Constitution.

Fortunately, the Constitution's District Clause provides another, legal means for providing citizens of the District of Columbia an equal voice in Congress. As several constitutional scholars have made clear, Article I, Section 8 of the Constitution, gives Congress the authority "To exercise exclusive Legislation, in all Cases whatsoever" over the District of Columbia. As long ago as 1933 the Supreme Court ruled that the exclusive authority of Congress over the District is broad and "national in the highest sense." O'Donoghue v. United States, 289 U.S. 516, 539-40 (1933).

Some have questioned the constitutionality of this approach. But nothing in the Constitution explicitly disenfranchises American citizens if they live in the District. The Supreme Court has recognized that Congress has the power to treat District of Columbia citizens as citizens of a state in other contexts, such as for purposes of diversity jurisdiction in federal courts, despite the Constitution's express statement in Article III, Section 2 of the U.S. Constitution, providing diversity jurisdiction in suits "between citizens of different States."

Because no court has ruled on the issue, it's especially important for the Committee to examine this issue closely. I commend the Chairman for holding this hearing, and I look forward to today's testimony.