

New venues for the State of the Union address?

The Speaker of the House is playing a dangerous game of musical chairs by hinting that the President wouldn't be invited to address a joint session of Congress at the House of Representatives' chamber on the appointed date. (She initially invited the President to give his address in the House in a letter on January 3rd but is now suggesting that he give the speech on January 29th.) There is no law that mandates the President give his address to a joint session of the Congress in the House chamber. The address itself is, however, required by the Constitution: The President "shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such measures as he shall judge necessary and expedient." *Article II, Section 3, Clause 1.*

Earlier *Annual Messages of the President* included agency budget requests and general reports on the health of the economy. During the 20th century, Congress required more-specialized reports on these two aspects, separate from the Annual Message in order to satisfy two, important requirements: a budget message, required by the National Budget and Accounting Act of 1921 (42 Stat. 20) to be delivered to Congress no more than two weeks after Congress convenes in January and an economic report, required by the Employment Act of 1946 (60 Stat. 23), which has a flexible delivery date.

Some presidents have submitted written addresses over time while others like FDR and many following him - and preceding him - like President Woodrow Wilson have chosen to deliver it in person, recognizing the House Chamber as the ideal venue. Times may be changing, however, as Mrs. Pelosi appears to be using her power to limit Mr. Trump's ability to take advantage of speaking before 535 members of the Legislature, the judicial branch and the Joint Chiefs in Washington. Make no mistake, this is a game of high stakes political poker and has nothing whatsoever to do with *security concerns* as she stated in her letter to Mr. Trump. The Speaker feels she's holding the winning hand by trying to throw the red herring of security concerns in the President's path, thus curbing his ability to possibly chastise the Congress, in person, for not re-opening the government.

Both Speaker Pelosi and the President are well aware of the political fallout that would ensue should the President point the finger of blame at the House Democrats in 'their' own house that would be seen by millions of Americans on nationwide television broadcasts and by hundreds of millions of other viewers around the world. But at this point, it appears that all bets are off.

This latest broadside attack by the Speaker will only cause the President, who is an untraditional politician, to dig in his heels and possibly investigate other venues for the speech that will give him even better media exposure. It is not unthinkable that Mr. Trump will choose to bypass a hostile Congress by holding his speech in the Senate and simply give the Congress a printed copy, thus satisfying his Constitutional requirement. He may even consider a third option and hold the speech at another government venue or even a private one.

There are many venues large enough to accommodate over 600 guests in Washington, D.C. or elsewhere for that matter (it isn't a requirement that it be held in D.C.). One thing is for certain, it probably won't be at the old D.C. Post Office Pavilion (now the site of the Trump International Hotel). That would be a massive poking of the bear considering the emoluments controversy over possible benefits accruing the President from guests staying at the property. If the President really wants to call Mrs. Pelosi's bluff, he could double down and rent the Levi's Stadium in Santa Clara, California in the San Francisco Bay area to give his harangue of the Democrats. That might get the Speaker's attention and cause her to reconsider her inconsiderate behavior and give America back the House as the venue for the SOTU.

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