

February 6, 2023

VOTE “NO” ON H.J. RES. 24 AND H.J. RES. 26, BLOCKING THE ENACTMENT OF LAWS DULY ENACTED BY THE D.C. COUNCIL

Dear Representatives:

The American Civil Liberties Union strongly urges you to oppose both H. Res. 24, disapproving of the D.C. Council’s passage of the Local Resident Voting Rights Amendment Act of 2022 (LVRAA), and H. Res. 26, disapproving of the D.C. Council’s passage of the Revised Criminal Code Act of 2022 (RCCA). The House of Representatives is scheduled to vote on both resolutions tomorrow, February 7.



We strongly urge you to vote “NO” on H.J. Res 24 and H.J. Res. 26, denying self-governance to D.C. The ACLU plans to score this vote.

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This week, the House will renew its attacks on democracy in the District of Columbia. The ACLU urges you to support the right of District of Columbia residents and their elected officials to debate and decide for themselves the same policy questions that each of the fifty states may debate and decide for themselves. Over 700,000 people living in our Nation’s capital are locked out of American democracy and denied the full rights of representative government. Despite D.C.’s fully functioning government, local decisions on policies that impact D.C. residents’ rights, liberties, health, and welfare are routinely threatened by Congress—a body that neither represents their interests nor is politically accountable for its decisions regarding the District because of D.C.’s lack of voting representation in Congress.

Both resolutions are inconsistent with home rule, and would never be imposed by Congress on any state. H.J. Res. 24 would prevent the LVRAA from taking effect and allowing otherwise-qualified non-citizen D.C. residents to vote in local elections. And H.J. Res. 26 would continue to undermine the democratic process by stopping the duly passed RCCA from having the effect that it would have if adopted by any one of the fifty states.

The Local Resident Voting Rights Amendment Act

The LVRAA would allow otherwise qualified District residents who are not U.S. citizens to vote in local races for mayor, council, attorney general, state board of education, and advisory neighborhood commissioners. Currently, at least 15 jurisdictions across the country

have enacted laws permitting noncitizen residents to vote in local elections. Noncitizen residents pay taxes and are subject to the District's laws. The District of Columbia Council must have the same authority held by states to decide whether to allow noncitizen resident to vote in local elections and empower them to have a voice in their community and how they are governed—and to do so without Congress acting as a mayor and council, and upending a duly enacted D.C. statute.

The Revised Criminal Code Act

The RCCA is the product of a 16-year effort to modernize the D.C. Criminal Code. Since the 1960s, dozens of states have reformed their criminal code, removing obsolete provisions, ensuring sentences are proportionate, and simplifying overlapping charges. The District should be allowed to do the same.

Development of the RCCA required years of research, an expert commission, 51 public meetings, extensive public feedback, and robust negotiation. The advisory group that unanimously approved of the recommended changes included representatives from the Office of the U.S. Attorney for the District of Columbia and the Office of the Attorney General for the District of Columbia. The D.C. Council voted unanimously to pass the RCCA and the RCCA is supported by 83% of District voters.¹ Opponents of the RCCA, however, are spreading misinformation about the RCCA's impact in a blatant attempt to erode home rule and trample on the rights of District residents. Congress has not invalidated any state's update of its criminal code, and must not do so here. The residents of the District must be able to have their elected District legislature enact these laws without being singled out by Congress.

D.C. residents pay taxes, serve on juries, fight in wars, and contribute to our country's prosperity. They deserve statehood. And they certainly deserve to make decisions about their own government. Striking down the LRVRAA and the RCCA undermines the fundamental principle of self-government and is antithetical to a free society. Congress has an opportunity to ensure that hundreds of thousands of Americans in the District of Columbia are able to self-govern. We urge members to vote "no" on H.J. Res. 24 and H.J. Res 26.

Thank you for your attention to this important issue. If you have any questions, please contact Aamra Ahmad, senior legislative counsel, at aahmad@aclu.org and Xavier Persad, senior legislative counsel, at xpersad@aclu.org.

Sincerely,



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Monica Hopkins
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¹ [District Voters Overwhelmingly Support Revised Criminal Code Act](#) (2022), DC Justice Lab and FWD.us.