May 21, 2021

Honorable Joe Manchin
306 Hart Senate Office Building
Washington, DC 20510

Dear Senator Manchin,

On behalf of the League of Women Voters of the United States and the League of Women Voters of West Virginia, we write with great concern regarding your recent comments on HR51/S51, the *Washington DC Admission Act.*

Washington, DC is home to 700,000 residents, which is more than that of Vermont and Wyoming, yet those that reside in the District lack representation in the U.S. Senate and a full voting member in the U.S. House of Representatives. The people who live in the District of Columbia deserve full representation in Congress just as equitably as those that live in West Virginia.

The concepts in this legislation are not new. Importantly, S. 51 does not wipe out the Constitutionally mandated seat of government—it provides for it by redefining and modernizing it. The bill calls for Congress to reduce the size of the federal district once again, providing a 2-square mile territory roughly contiguous to the National Capital Service Area. This reduction in the size of the federal district has precedent: Before the Civil War, Congress sent the Virginia side of DC back to Virginia, reducing the size of DC from its original 10 square miles square to its current size. Congress decided to do that because the people voted to return to Virginia ***and*** Virginia agreed to the retrocession of its territory. By doing so, Congress was exercising its "exclusive jurisdiction" over the federal district.

In your statement as reported by several news sources, you cited findings by the Justice Department under presidents Ronald Reagan and Jimmy Carter as well as comments by former attorney general Robert F. Kennedy in 1963. These opinions are outdated as thoughts around this issue have evolved over the last 50 years. In 1963, when those discussions were taking place, a constitutional amendment would have been necessary because in all those cases, everyone was referring to the ***whole*** of the District of Columbia. To have made all of DC a state in that regard would have wiped out the Constitutionally mandated seat of government. However, *the Washington DC Admission Act* does not do that.

Furthermore, the 23rd Amendment is not an impediment to granting statehood because *the Washington DC Admission Act* also provides a remedy for that issue. Under this legislation, when the federal district is redefined, the 23rd Amendment will still apply, and the Amendment's

language includes the provision that the federal district “shall appoint” electors “in such manner as Congress may direct.” As Representative Jamie Raskin has noted, Congress oversees those electors and can direct them not to be appointed, given the lack of voting population in the newly defined federal district. In the meantime, the admittance of a new state for the rest of the current District of Columbia may proceed without hindrance.

The new administration issued a policy memo that supports the passage of the Washington DC Admission Act. So often the American people take what our election officials say literally and without further research. And because we know you to be an elected official who values transparency and accurate information to the public, we hope you will take our concerns to heart. In that vein, we encourage you to work with your colleagues in Congress and President Biden to ensure this aligns “with Congress’ constitutional responsibilities and its constitutional authority to admit new states to the Union” as is indicated by the White House.

Thank you for your time and consideration of this important matter. We look forward to continuing to listen in on your commentary about S51, the *Washington DC Admission Act* in the press. If you would like to talk further about this or any other issues, please do not hesitate to reach out to Jessica Jones Capparell at jjonescapparell@lwv.org.

Warmest Regards,

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