

September 25, 2025

The Honorable John Thune
United States Senate
511 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chuck Schumer
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

Dear Majority Leader Thune and Minority Leader Schumer:

We, the undersigned, urge all members of the U.S. Senate to reject H.R. 5125, the District of Columbia Judicial Nominations Reform Act (the “DC-JNC Act”) and H.R. 5179, the District of Columbia Attorney General Appointment Reform Act (the “DC-AG Act”), bills that threaten the principles of self-governance and strip local citizen influence over local government officials. H.R. 5125 was voted favorably out of the House of Representatives on Wednesday, September 17, and H.R. 5179 remains pending in the House. Although we are a diverse group of organizations and individuals with different roles in and views on the laws and institutions of the District of Columbia, we are united in our opposition to these bills because they undermine D.C. Home Rule, judicial independence, and confidence in our court system.

District of Columbia Judicial Nominations Reform Act

A key feature of the balance struck in D.C.’s Home Rule framework between self-governance by District residents and oversight by the Congress and the President is the D.C. Judicial Nominations Commission (JNC). The JNC supports the judicial nomination process for D.C. Superior Court and D.C. Court of Appeals judges by screening and proposing candidates for appointment by the President. The seven members of the JNC are appointed by federal and local officials, among whom is a representative selected by the President. For each judicial vacancy, the JNC evaluates applicants and sends three candidates to the White House for consideration. From there, the nomination and confirmation process is in the hands of the President and the Senate, and beyond any influence of the JNC and D.C. residents.

For more than 50 years, the JNC has consistently recommended highly-qualified candidates from prosecutorial, defense, civil litigation, administrative law, and other varied backgrounds. This has proven to be a highly successful show of bipartisanship in D.C. affairs. Presidents of both parties have reliably nominated candidates from the applicant panels forwarded by the JNC. Currently,

there are four nominees from 2025 pending before the U.S. Senate, all identified by the current President using the existing process.

The DC-JNC Bill would abolish the JNC and eliminate the only avenue for community input into the selection of judges who will preside over local court matters ranging from family law, probate, domestic violence, contract, landlord/tenant, criminal, and other matters. This contradicts the norm of providing local residents with a role in deciding which judicial officials will make critical decisions on local matters. And the reality is that most decisions made by the D.C. Superior Court are exactly that – local, everyday issues. There are more divorce cases than felony cases heard at D.C. Superior Court every year, for example.

The DC-JNC Bill purports to tackle a problem over which the JNC has zero control or responsibility – the timely confirmation of judges to handle ever-increasing caseloads. Rep. Pete Sessions (R-TX) said upon introducing the bill, “Whether it is a Republican or Democrat in the White House it is important for them to make decisions and *not have to wait on* a Commission. Prioritizing actions that allow the court to do its job is what this bill is all about.” (Emphasis added.)

Indeed, we have been concerned for many years about chronic vacancies at the D.C. Superior Court and Court of Appeals - both with vacancies over 20% currently. Lingered vacancies on the bench have significantly lengthened the time to disposition for many court matters.

However, **the DC-JNC Bill attacks the wrong end of the pipeline.** Presidents, including the incumbent, have *not* had to wait on JNC recommendations. Rather, the JNC has an exemplary record of timely vetting applicants. The JNC helps expedite the selection process by relieving the White House of much of the candidate screening burden. The only actual “waiting” has been the delayed consideration of D.C. judicial nominees in the U.S. Senate. Senate prioritization of floor time for the confirmation of judges is a sure way to improve the administration of justice in the District.

We urge the Senate to prioritize votes on pending nominees and commit to timely consideration of future nominees. You and your colleagues can do this with confidence that the candidates that come before you have been identified in a process that thoughtfully incorporates both local and Presidential priorities. Ending the recommendation role of the JNC will harm, not help, the Senate’s ability to provide its advice and consent role for qualified, well-vetted nominees for D.C. judge positions.

District of Columbia Attorney General Appointment Reform Act

The DC-AG Bill would amend the Home Rule Act to abolish the election of the D.C. Attorney General by D.C. voters; immediately terminate the current, popularly-elected Attorney General; and give the President unbridled discretion to appoint a local Attorney General *without* the advice or consent of the Senate. This change is anti-democratic, removes local accountability, and creates a chaotic chain of command by inserting an unelected appointee atop a D.C. agency staffed by D.C. civil servants.

Attorneys General advance and protect the legal interests of the governmental entities they represent and of the citizens in their jurisdictions. **Attorneys General are the “people’s lawyers,” and as such, they should be elected by the people.** In 2010, D.C. voters overwhelmingly approved a charter amendment providing for an independently-elected Attorney General. The DC-AG Bill would undo the results of that 2010 election.

Of the 50 states, only seven do not provide for the popular election of their Attorneys General, and in the four states where the governor may appoint the Attorney General, a legislative body representing the people must confirm the appointment. The DC-AG Bill would deprive both the citizens of D.C. and the U.S. Senate of any voice in the selection of the highest official with responsibility for representing D.C. residents’ interests in legal affairs. Moreover, the DC-AG Bill would eliminate the minimum qualifications and residency requirements for the D.C. Attorney General. With the unbridled discretion the bill would give to the President, any lawyer or non-lawyer from anywhere in the country could make decisions about critical civil and criminal legal issues that affect those who live, work in, and travel to the District, including Members of Congress, their staffs, and constituents. This bill also likely would create instability in D.C.’s local economy and remove local accountability for the enforcement of laws that impact all businesses operating in the District.

The DC-AG Bill also ignores the fact that most of the responsibilities of the Attorney General address the *civil* legal needs of the District government and residents. Although the publicly cited rationale for this drastic regression from self-governance is dissatisfaction with the prosecution of youth crime in the District, the Attorney General’s office does so much more than that. The Attorney General protects the legal rights of D.C. seniors, workers, families, consumers, tenants, and D.C. government agencies, as well as prosecuting youth crime. **The vast majority of the Office of the Attorney General’s functions are locally-focused, executed efficiently, and far afield of any matters warranting federal, and particularly Presidential, attention or control.**

For these reasons, we, the undersigned, ask you to reject the proposals in H.R. 5125 and H.R. 5179 – either in their standalone forms or amended to be included in any other proposed legislation before the Congress.

Sincerely,

Businesses and Organizations (80):

Accountable.US/Accountable.NOW

ACLU of the District of Columbia

Alliance for Justice

American Constitution Society at Georgetown Law

ANC 7C06

ANC 8C06

ANC 8D

ArentFox Schiff LLP

Asian Pacific American Bar Association of Greater Washington (APABA-DC)

Ayuda

Bar Association of the District of Columbia (BADC)

Bernstein Management Corporation

Black Women Thriving East of the River

Bread for the City

BreakFree Education

Campaign for Lead Free Water

Children's Law Center

Coalition for Justice at Georgetown Law

Coburn, Greenbaum & Eisenstein PLLC

Crowell & Moring LLP

DC Affairs Community, DC Bar

DC Affordable Law Firm

DC Appleseed Center for Law & Justice

DC Bar Pro Bono Center

DC Jail & Prison Advocacy Project

DC Justice Lab

DC Vote

DC Consumer Rights Coalition

Equal Rights Center

Federal City Council

Foley Hoag LLP

Franciscan Action Network

Free Minds Book Club & Writing Workshop

Georgetown Law Center for Innovations in Community Safety

Georgetown Law's People's Parity Project

Harmoniq Solutions

Helping Ourselves to Transform

Inter-American Bar Association, Washington DC Chapter

Lambda Legal

League of Women Voters of the District of Columbia

League of Women Voters of the United States

Legal Aid DC

Lillian's Southern Box Catering

Many Languages One Voice (MLOV)

Miller & Chevalier, Chartered

More Than Our Crimes

Morgan Lewis

Mothers Outreach Network

National Association of Consumer Advocates

National Women's Law Center Action Fund

Neighbors for Justice

Network for Developing Conscious Communities

NETWORK Lobby for Catholic Social Justice

Open City Advocates

Oregonizers

Pathways to Housing DC

People's Parity Project DC chapter

PFLAG National

Pretrial Justice Institute

Public Citizen

Reproaction

School Justice Project

Second Look Project

Secure Elections Network

Serenity

Service Employees International Union (SEIU)

Solid Ground Law PLLC

Steptoe LLP

The Safe Sisters Circle

The Trial Lawyers Association of Washington D.C.

Thrive Under 25

Tzedek DC

University of Baltimore School of Law Center for Criminal Justice Reform

Volare

Volunteer Legal Advocates

Washington Bar Association, Inc.

Washington Council of Lawyers

Washington Lawyers' Committee for Civil Rights and Urban Affairs

Women Lawyers On Guard Action Network, Inc.

Women's Bar Association of the District of Columbia

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CC: Members of the U.S. Senate