

# Biden green-lights bipartisan attack on Washington DC criminal code revision

Jacob Crosse  
16 March 2023

In a highly revealing 81-14 bipartisan vote earlier this month, the US Senate approved a Republican-sponsored House resolution that would block the implementation of newly revised Washington D.C. criminal statutes that had been approved by the elected City Council in January 2023.

President Joe Biden has publicly indicated he will sign the bill once it reaches his desk, which is expected shortly. He was siding with D.C. Mayor Muriel Bowser, who objected to the bill on a right-wing basis, and with House and Senate Republicans, who denounced the largely toothless measure as too lenient.

The Republican House resolution aimed at overturning the City Council action was sponsored by Georgia Representative Andrew Clyde, a fervent Trump supporter who has claimed that the failed January 6 coup was just a “normal tourist visit.” Despite his prominent role in supporting Trump’s coup, before and after the attack, Clyde’s bill passed the House with over 30 Democrats supporting it.

Once the bill arrived in the Senate, 33 senators who caucus with the Democratic Party joined the fascistic Clyde in overriding the D.C. City Council vote. These included Senate Majority Leader Chuck Schumer, Virginia senator and Hillary Clinton’s running mate Tim Kaine, right-wing West Virginia Senator Joe Manchin and self-styled “progressive” senators Ron Wyden (Oregon) and Tammy Baldwin (Wisconsin).

This is the first time in over 30 years that Congress, which retains jurisdiction over the US capital, has overridden legislation approved by local lawmakers. Unlike residents in the 50 US states, residents of the District of Columbia (D.C.) do not have representation at the federal level or the final say on local ordinances.

The bipartisan line-up against the D.C. residents’ right to self-governance exposes as lies all the claims from the Democrats that they, any more than their “Republican colleagues,” support democratic rights.

They share the general orientation to deadly and punitive “law-and-order” policies against the working class. Whatever minor differences they have with the Republicans, the Democrats are more than willing to set these aside—under conditions of flagging public support for the US-NATO-led war against Russia in Ukraine—in order to win a few Republican votes for more military spending.

In a statement issued prior to the Senate vote, Biden explained why he was siding with the far-right Republicans, who have attacked the new D.C. statutes as another example of “far-left” Democrats being “soft on crime” in “big liberal cities.”

Biden wrote on Twitter: “I support DC Statehood and home-rule—but I don’t support some of the changes DC Council put forward over the Mayor’s objections—such as lowering penalties for carjackings.”

He added that if the “Senate votes to overturn what DC Council did—I’ll sign it.”

Biden’s March 2 tweet came as a surprise to some Democrats, considering that less than a month prior, the administration had released a statement declaring its supposed opposition to the Republican bill, writing at the time that it was akin to “taxation without representation,” a “denial of self-governance” and an “affront to the democratic values on which our Nation was founded.”

Firmly declaring a position that would be reversed in a few weeks, Biden's aides added, "Congress should respect the District of Columbia's autonomy to govern its own local affairs."

The proposed criminal code would be the first major revision to the District's laws since 1901. The new measures, the product of years of wrangling between D.C. politicians, police, district attorneys and judges, would not eliminate mandatory minimum sentences in all cases or decrease sentences for violent crimes across the board.

The proposed code revisions would provide new statutes for crimes that did not exist when it was originally written. The new code, which would take effect in 2025, is known as the Revised Criminal Code Act, or RCCA.

The RCCA—far from the false characterization that it represents a retreat from mass incarceration, as claimed by Republicans, Democrats and much of the capitalist press—actually expands the degrees of severity for certain crimes, allowing judges more latitude in sentencing. This latitude will allow judges to "stack" prison sentences and include "enhancements," as explained in a recent article by *Slate*:

The RCCA allows judges to "stack" sentences in some instances by running them consecutively. It also includes sentence enhancements for offenders who are armed or who have a criminal record (to give just two examples). A felon who commits armed carjacking can be charged not only with armed carjacking but also with possession of a firearm by an unauthorized person and carrying a dangerous weapon. *And* their sentence can be enhanced due to the prior convictions. Under the new code, a carjacker's sentence can easily stretch beyond 30 years.

In many cases, the RCCA would actually increase criminal penalties. In an interview with the local Fox

station, D.C. District Attorney Brian Schwalb noted that currently the maximum sentence for attempted murder is five years; the RCCA would increase this to 22.5 years.

The other aspect of the RCCA which has come under attack from Mayor Bowser and others is the fact that the new code would expand the right to a jury trial for people accused of low-level offenses. Between 1924 and 1994 D.C. residents had access to a jury trial for such charges, but those were eliminated in 1994, and now residents who are accused of misdemeanor crimes will have their cases decided by a judge.

According to the PrisonPolicy.org, the District of Columbia has the eighth highest incarceration rate in the country, with 899 per 100,000 people currently incarcerated in prisons, jails, immigration detention and juvenile facilities throughout the district. Roughly 8,300 D.C. residents are currently behind bars, while another 10,000 are under supervision through probation or parole.

For decades Democratic politicians have offered lip service to the over 700,000 residents of Washington D.C., nearly half African American, claiming they support D.C. statehood and their right to "home rule." The latest bipartisan vote in Congress, once again exposes decades of Democratic rhetoric as nothing but hot air. This underscores that the fight to expand democratic rights and defend those previously won requires that workers and youth break from the two parties of capital and any illusions of "reforming" the police, courts and the capitalist system they defend.



To contact the WSW and the Socialist Equality Party visit:

**[wsws.org/contact](https://www.wsws.org/contact)**