

# UNUSUALLY CRUEL

AN EYEWITNESS REPORT  
FROM INSIDE THE DC JAIL



OFFICE OF CONGRESSWOMAN MARJORIE TAYLOR GREENE (GA-14)  
DECEMBER 2021

## EXECUTIVE SUMMARY

On Thursday, November 4, 2021, U.S. Representatives Marjorie Taylor Greene (GA-14) and Louie Gohmert (TX-01)—along with their staffs—were given a three-and-a-half-hour tour of two DC Department of Corrections (DOC) facilities at 1901 D St. SE: the Central Detention Facility (CDF) and Central Treatment Facility (CTF). The purpose of the congressional visit was to inspect the conditions of the two facilities, specifically the treatment of inmates held in the CTF in relation to the events of January 6, 2021.

The November 4 tour was only accomplished after months of persistence. Representative Greene and her congressional colleagues, Reps. Gohmert, Matt Gaetz, and Paul Gosar, were denied entry to the jail on multiple occasions—July 29 and November 3. In July, the Deputy Warden of the facility—Ms. Kathleen Landerkin, charged a congressional delegation led by Rep. Greene with trespassing, avoided and evaded Representatives’ questions, and forcibly locked congressional Members out of the facility.

On the morning of November 4, Congresswoman Greene and Congressman Gohmert personally delivered a letter to the D.C. Mayor’s Office, signed by four Members of Congress, requesting a tour of the facilities and the termination of Deputy Warden Landerkin (see Exhibit 2, Appendix). The Mayor’s Office did not respond to Congresswoman Greene’s staff until 6:16 p.m., offering the Congresswoman the option of attending a tour for the D.C. City Council set to begin at 6:30 p.m. With less than 15 minutes before the tour (supposedly) started, Congresswoman Greene and her staff raced to the facility, as did Congressman Gohmert and two staff members.

Two days earlier (November 2), the U.S. Marshals Service (USMS) released a statement declaring that the CDF did not meet “minimum standards of confinement” and approximately 400 detainees would be moved to a prison in Lewisburg, Pennsylvania (see Exhibit 1, Appendix).<sup>1</sup> The Marshals’ November 2 statement determined that the conditions in the CTF—the facility where inmates are being held in pre-trial custody related to alleged offenses on January 6 at the U.S. Capitol—were not sufficient to transfer January 6 inmates.<sup>2</sup>

Throughout the more than three-hour tour, Members and staff were shown a variety of jail conditions and populations: well-behaved young men (“Young Men Emerging”), general adult populations accessing educational resources and practicing moot court (“LEAD UP”), maximum security inmates sequestered for assault or sexual assault of other inmates and corrections facility staff (“One Block South”), and finally the approximately 40 detainees related to January 6.

After reflecting on the tour, the conditions of the CDF corroborated the Marshals’ assessment published on November 2. Some inmates—specifically those segregated for assault or sexual assault—were housed in atrocious and cramped conditions, including cell blocks with putrid air circulation, supposedly caused by inmates igniting toilet tissue and having little to no access outside of their cells for long periods of time. Other parts of the facility revealed an overt and

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<sup>1</sup> Statement by the U.S. Marshals Service Re: Recent Inspection of DC Jail Facilities, November 2, 2021: <https://www.usmarshals.gov/news/chron/2021/110221b.htm>

<sup>2</sup> Id.

callous education curriculum which emphasized the supposed cruelty and racial prejudice of the U.S. prison system (e.g., book club curriculum within the Young Men Emerging).

More concretely, multiple common areas of the CDF contained distributional reading materials which promoted the Nation of Islam and Critical Race Theory. Additionally, members of the Young Men Emerging cohort of inmates (within CTF) revealed that they are reading books which emphasize the unusual cruelty of the American justice system and intend to study materials which promote the view that the United States perpetuates a racial caste system.<sup>3</sup>

After a heated confrontation with the Mayor's representative, Mr. Kinlow, and DOC staff, Representatives and staff were finally taken to see the January 6 inmates in the CTF. Congressmembers Greene and Gohmert refused to leave until the tour included the January 6 inmates. Notwithstanding the warm welcome from the inmates, the physical conditions in which they are held could only be described as inhumane.

For example, cells in the January 6 wing of the CTF were extremely small, composed of a single toilet, sink, and a small bed cot. The walls of the rooms had residue of human feces, bodily fluids, blood, dirt, and mold. The community showers were recently scrubbed of black mold—some of which remained. The interior walls of the common area were also freshly painted. According to the inmates, the U.S. Marshals had recently visited the area just days before, which caused a flurry of activity by guards to clean up the January 6 area while the U.S. Marshals were inspecting another area.

Inmates explained that they did not have access to their attorneys, families, or proper nutrition from the jail. Shortly after entering the January 6 wing of the CTF, inmates assembled for their daily salute to the American flag and singing of the national anthem. Following almost an hour of personal interviews with January 6 detainees, all in attendance—except the DC jail staff—gathered in a circle while Congresswoman Greene closed the group in prayer. At approximately 10:15 p.m., Members and staff exited the facilities.

It is also important to note that the DC jail facility has an area designed for meetings between attorneys and clients with plexiglass and phones as they face each other through the glass. Use of that facility should not result in 14 days of solitary confinement simply for meeting with an attorney.

The following report is the consolidated testimony from six eyewitnesses.

This document will outline the events of the evening of November 4, from the time Congresswoman Greene was notified of the availability of the tour around 6:20 p.m. to the time Members and staff exited the facility at 10:15 p.m.

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<sup>3</sup> Marc Morje Howard, *Unusually Cruel: Prisons, Punishment, and the Real American Exceptionalism* (OUP, Oxford, 2017). <https://www.amazon.com/Unusually-Cruel-Punishment-American-Exceptionalism/dp/0190659343>. Cf. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness: Revised Edition* (The New Press, New York, 2012). <https://www.amazon.com/New-Jim-Crow-Incarceration-Colorblindness/dp/1620971933/>.

Throughout the report, Department of Corrections staff will be referred to by their last names. For reference, the relevant names are reproduced below:

**Relevant Department of Corrections and Mayor's Office Staff:**

- Ms. Wanda Patten, Deputy Director of Operations, Department of Corrections and Warden, DC Jail
- Ms. Kathleen Landerkin, Deputy Warden—Operations, CTF, DC Jail
- Mr. Quincy Booth, Director, DC Department of Corrections
- Dr. Amy Lopez, Chief Education Administrator, Federal Bureau of Prisons (BOP)
- Mr. Eugene D. Kinlow, Director, Office of Federal and Regional Affairs for the Executive Office of the Mayor

**Note:**

Throughout the tour of the jail, where a person's name was not provided or cannot be recalled, the report will refer to the person by their function (e.g., "Georgetown 3L Law Student" directing Moot Court Team at LEAD UP, CTF). Any dialogue reproduced below is sourced from the eyewitness testimony of the congressional staff and Representatives who were in attendance for the tour. To protect the privacy and legal rights of January 6 detainees, the report will not refer to the inmates by name. However, the report will reproduce commentary and feedback from DOC staff and inmates within the CDF, CTF, and the January 6 detainee wing.

**Initial Invitation & Travel to DC Jail**

On November 4, at 6:16 p.m., the D.C. Mayor's office contacted Congresswoman Greene's former Chief of Staff, inviting the Congresswoman to attend a tour of the facility which was set to begin at 6:30 p.m. This message was then passed along to Congresswoman Greene and staff at 6:19 p.m. The DC jail tour was ostensibly arranged to give members of the D.C. Council an opportunity to inspect the facilities following the Marshals' statement on November 2 that 400 inmates needed to be moved out of the CDF due to inhospitable conditions.<sup>4</sup>

While it remains unclear when the tour was originally scheduled, Representatives Greene and Gohmert were given extremely short notice from the D.C. Mayor's office about the availability of a tour. Even though Representatives Greene and Gohmert had delivered a letter to the D.C. Mayor's office at approximately 11:30 a.m. that morning requesting the tour, the Representatives did not receive a response for over 6 hours and were provided with less than 15 minutes to drive 2 miles in rush-hour traffic.

At 6:35 p.m., Congresswoman Greene's staff contacted the Mayor's office to confirm that Reps. Greene and Gohmert would attend. At 6:45 p.m., Congresswoman Greene and staff (6 people) arrived at the facility as members of the D.C. Council were exiting their vehicles and entering the

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<sup>4</sup> Four days after the tour (and eight days after the Marshals' initial statement), the D.C. Mayor's office and the U.S. Marshals Service subsequently released a memorandum of understanding (MOU) on November 10 outlining the commitment on behalf of the D.C. Mayor's office to improve conditions at the CDF. Executive Office of the Mayor, "Mayor Bowser and United States Marshals Service Announce Agreement to Address Concerns at DC Jail," November 10, 2021, <https://mayor.dc.gov/release/mayor-bowser-and-united-states-marshals-service-announce-agreement-address-concerns-dc-jail>.

jail. Congressman Gohmert would arrive later and join the group at One Block South (maximum security area 1; Point 3 below).

### Overview of the DC Jail Tour

#### **A. Central Detention Facility (6:50 p.m. – 7:36 p.m.)**

1. Intake & Overview from DC DOC Staff (6:50 p.m. - 7:00 p.m.)
2. LEAD UP—Unit 1: General Population (7:01 p.m. – 7:14 p.m.)
3. One Block South: Maximum Security Area 1 –Administrative Separation for Assault (7:15 p.m. – 7:27 p.m.)
4. Maximum Security Area 2 – Administrative Separation for Sexual Assault (7:27 p.m. - 7:36 p.m.)

#### **B. Travel to Central Treatment Facility (7:37 p.m. – 7:58 p.m.)**

5. Tour near the Chapel, Islamic Temple, Medical-Ambulatory unit, and Cosmetology Center, on route to the CTF

#### **C. Central Treatment Facility (7:59 p.m. – 10:00 p.m.)**

6. LEAD-UP—Unit 2: Moot Court Team—Lead by Georgetown 3L Student (8:00 p.m. - 8:18 p.m.)
7. LEAD-UP—Unit 3: Young Men Emerging (YME) (8:18 p.m. - 8:38 p.m.)
8. Confrontation over access to January 6 Detainees and Travel to the January 6 Detainee Wing (8:39 - 8:54 p.m.)
9. January 6 Detainee Wing (8:55 p.m. - 10 p.m.)

#### **D. Exit from the Facility via the CTF and CDF (10:00 p.m. - 10:15 p.m.)**

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### **1. Intake Area (Approximately 6:50 p.m. - 7:00 p.m.)**

Congresswoman Greene and staff, along with members and staff of the D.C. City Council, entered the jail without screening and assembled in the “intake” room just beyond the internal main jail entrance. Before beginning the tour, DOC staff provided a brief overview of the programming and opportunities available for the jail population, including access to educational resources, information technology (e.g., handheld “tablets” etc.).

Among others, Dr. Lopez—the Chief Education Administrator—discussed how the facility was not built with education for inmates in mind, prompting the Department of Corrections team to invent solutions:

*This place was designed to warehouse bodies. So, we have to do education on the unit. Everyone on the unit has a destination, whether that is a college degree, GED, or a work certification. Everyone is striving for a goal. We employ a multi-disciplinary approach, where every resident on the unit has a group of staff, case managers, and a peer coach to help them succeed academically and behaviorally. (Emphasis added).*

She also outlined various programs for inmates within, and transitioning out of, the facility:

We have one wing for 18-to-22-year-olds, who receive funding under the Individual Disability Education Acts (IDEA). We also have a “LEAD-OUT” program, which started in June. We have an employment program...where the employer in the city partners with us and we work with them. The prison uses grant funding to cover the salary expenses of the recently released inmate and we cover the first 6 months of their salary.

These comments were echoed by Mr. Booth—Director of the DC Department of Corrections—who stated that the electronic tablet (i.e., iPad) program, which began in 2017, to provide inmates with more resources to advance their education, was a novel idea. Booth said that the jail was “never designed to be an educational facility, but we [DOC] have made it that way through an organization standpoint.”

Congresswoman Greene inquired about whether all inmates have access to the iPads and other educational resources, to which Dr. Lopez replied: “you’re going to see in the next unit...more than 1/3<sup>rd</sup> of my students are U.S. Marshals inmates, and they *all have access* to all the programs.”<sup>5</sup> Further, Mr. Booth interjected that sometimes inmates request tablets and may not receive them because the population is “full” and that inmates who request access do not always receive it because they are in the jail for a short stay, or the iPad is still being calibrated before it can be delivered.

Finally, Dr. Lopez emphasized that while inmates have access to these electronic resources, they are not available daily: “Everyone has access to these resources during the week, but not every day. Our population is growing now...” After D.C. City Councilmembers raised questions about

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<sup>5</sup> Emphasis added. January 6 detainees testified later that they do not have access to the same educational resources and iPad technology as the other inmates.



which parts of the facility would be seen (e.g., One Block South), the group headed into the main area of the Central Detention Facility (CDF).

Approaching the first general population area, Representatives and staff—along with the D.C. City Council—were required to wear face shields in addition to masks covering their nose and mouth. At times, these additional restrictions made it difficult for Representatives and staff to hear testimony from inmates in the first area. Moreover, the additional face shield requirements were not enforced uniformly or consistently throughout the jail. The DC DOC staff were adamant that Representatives and staff wear face shields in the first general population area, but did not enforce this requirement at any other part of the tour, including with the January 6 inmates. Of note, once the D.C. Councilmembers were separated from the Congressional delegation, the face shields were never required again.

## **2. LEAD-UP: General Population (7:01 p.m. – 7:14 p.m.)**

D.C. Councilmembers, Congresswoman Greene, and staff questioned various inmates about their access to educational resources and programming on their iPads. Dialogue with inmates in the first general population area focused on access to educational resources and average time of incarceration.

One DOC official told a member of Rep. Greene’s staff that the average stay of an inmate in the facility was 257 days. According to the Department of Corrections Facts and Figures report from June 2021, the median length of stay for men in custody is 363.8 days; 217.6 days for women.<sup>6</sup>

Congresswoman Greene talked with inmates about the types of certification inmates were pursuing, suggesting that there is a growing need for truck drivers across the country. After a short discussion in general population, DOC staff continued the tour and led Congresswoman Greene and other members of the D.C. City Council down the hallway into the first maximum security area.

## **3. One Block South—Maximum Security for Inmates Administratively Segregated for Assault (7:15 p.m. – 7:27 p.m.)**

On the way from general population to One Block South, Congresswoman Greene spoke with Deputy Warden Landerkin about why the inmates were segregated in the maximum security area. Deputy Warden Landerkin explained that the inmates were placed there for disciplinary segregation and that this decision is not usually based on mental health issues. The jail has a mental health wing on the third floor with both a “stable” and “unstable” wing. Representatives and staff, along with the D.C. Council, arrived at One Block South and were joined by Congressman Gohmert and his staff.

The first maximum security area was controlled from a central terminal surrounded by reinforced glass. The detention area itself was composed of one central open area and three hallways which extended out from the central terminal. Straddling the middle hallway, two small areas were

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<sup>6</sup> DC Department of Corrections, DC Department of Corrections Facts and Figures, June 2021. 21. <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20Department%20of%20Corrections%20Facts%20and%20Figures%20June%202021.pdf>

cordoned off with chain-link fencing and included a makeshift basketball goal. Inmates use these areas for limited recreation during the day, approximately 2 hours each. Adjacent to the middle hallway were two rooms with windows in which inmates could take calls to family or have a more private conversation away from the noise of the area.

One Block South was a cacophonous din of recreation sounds (basketball hitting the ground and goal), inmates yelling or shouting in their cells, inmates banging the internal latches of their cells against the cell doors, and the sound of DOC staff trying to explain the area to D.C. City Councilmembers and Reps. Greene and Gohmert.

The two other hallways in One Block South led away from the central terminal and housed multiple individual confinement cells. The entire area reeked of an unknown burning chemical smell. DOC staff claimed that the smell was caused by inmates lighting their toilet paper on fire by producing sparks from alternating their cell light switch. Representatives and staff found it unbelievable that the smell was solely the result of burning toilet paper. The area reeked of marijuana and other substances which were not readily classified.

Representatives Greene and Gohmert spoke with some of the inmates in the individual confinement cells, one of whom claimed that he had been in the cell since April and requested release on multiple occasions. Deputy Warden Landerkin contradicted that claim, stating that most inmates are not kept in these cells for longer than 30 days at a time. The stated reasoning behind keeping inmates in these cells is to safeguard the general population and DOC staff. According to Deputy Warden Landerkin, there were approximately 62 people in this first maximum-security area. Inmates are let out of their cells for 2 hours a day (remaining inside for the other 22) and only have a small door window for light and communication.

Due to the increasing noise from some inmates, it became difficult to hear information from DOC staff or to have intelligible conversation with the inmates who did want to speak to the Representatives and members of the D.C. Council. Representatives and staff coughed from the smell of the area and eventually left with the DOC staff after approximately 10 minutes. Heading away from One Block South to another maximum-security area, staff remarked that the hallway still smelled of burning substances, including marijuana.

After departing from One Block South, the Congressional and D.C. Council delegations *never crossed paths in the jail again*. Thus, approximately 40 minutes into the tour set up for the D.C. Council, the delegations were separated without explanation.

While traveling up multiple non-functioning escalators to the other maximum-security area, staff saw bloody rags, dirt, and other discarded tools throughout the mezzanine levels of the CDF.



#### **4. Maximum Security Area 2 – Administrative Separation for Sexual Assault (7:27 p.m. – 7:36 p.m.)**

As the Congressional delegation approached the second maximum security area, Deputy Warden Landerkin and the Mayor's Office representative, Eugene Kinlow, explained to Rep. Greene why a separate area exists for inmates who commit sexual assault on other inmates and DOC staff:

**Landerkin:** We want to put them in general population, but they [the segregated inmates] are a danger to themselves and other staff.

**Kinlow:** A lot of these people are given to us by judges, and they have serious mental health issues, and we are ill-equipped to deal with it.

**Landerkin:** We try to see what we can do for them and get them back into general population. A lot of the people in here are pre-trial. When COVID-19 hit our population was small. During COVID, our population dipped because law enforcement officials were writing less severe tickets.

There are approximately 1,200 inmates on this side [CDF]. We have a huge backlog of court cases.

**Rep. Greene:** How do they see their attorney?

**Landerkin:** When this facility was built, people didn't think about getting these people resources and giving them access to programming or their attorneys. People just didn't think that way.

**DOC Official:** We have an extremely busy DC Court. There is a hold up in the nominations process. We need more judges to be confirmed.

After staff and Representatives entered the second maximum security area, DOC staff explained that the inmates kept in this area are held in their cells for most of the day. Similar in layout to One Block South (minus the open area in the middle for recreation), the second area contained extra DOC security armed with tactical weapons and equipment. DOC staff answered a few questions from Representatives Greene and Gohmert about pre-trial confinement and then the group departed from the CDF to the CTF.

#### **5. Travel from the CDF To CTF (7:37 p.m. – 7:58 p.m.)**

Taking multiple elevators, stairs, and hallways to the other side of the complex, DOC staff showed the congressional delegation the outside of the medical unit, ambulatory wing, and the cosmetology areas, along with the chapel and Islamic temples. DOC staff explained that men and women receive medical care and attend religious services separately. Haircuts are offered monthly for those who are vaccinated, and the barbershop is used for other needs such as fingernail clipping, etc.

At this point, one of Congresswoman Greene’s staffers mentions to the Congresswoman that the group should ask about where the January 6 defendants are being confined within the CTF. Congresswoman Greene waited until after the DOC staff had completed their proposed tour route to raise this question.

**6. LEAD-UP Unit 2: Moot Court Team—Led by Georgetown 3L Student (8:00 p.m. – 8:18 p.m.)**

After traversing through numerous hallways, the delegation arrived at an open room with approximately 20 inmates in orange scrubs seated in a group, led by a 3L Georgetown Law Student. This second “LEAD-UP” Unit was composed exclusively of males as young as 18 years old participating in moot court and practicing opening and closing arguments.

Upon entry, Mr. Kinlow introduced the congressional delegation as “group 1” and turned the discussion over to the inmate leader of the LEAD-UP Unit. After explaining the purpose of the activity (moot court), the leader of the inmates yielded to the 3L Georgetown Law Student, who explained that this programming was part of a “street law” course offered by the jail and in collaboration with Georgetown University.

Presumably, the LEAD-UP unit was in the middle of a session and the congressional delegation’s arrival interrupted their time. Dr. Lopez offered for the Representatives to hear the practice session. One inmate served as a spokesman for the group. After Dr. Lopez introduced the inmates, she yielded back to the inmate spokesman.

In the spokesman’s own words:

Because our deputy director [gesturing to Dr. Lopez] loves travel themes, we have passports, boarding passes, destination, post-secondary certification, and degrees...\$15/hour employment guaranteed for the first six months.

We use PBIS: Positive Behavior Individual Support, we eliminate the punitive aspect, and we have peers come to mentor another inmate who has been in an altercation; Growth/Progress/Support (GPS) Teams are able to work with other inmates to resolve disputes and to advocate to prison staff (e.g., Dr. Lopez) on behalf of inmates.

Very inclusive conversation in this program to show growth and that this facility really cares about us. [I] can’t speak about the others, but they really care about us.

I would like every institution in the country to be like this one. I will now allow you [Reps. Greene and Gohmert] to introduce yourselves.

[Continuing to speak]

*I did not and would not vote for a lot of you.* But I appreciate you being here. At the end of the day, we’re all Americans and we all live in the same place. All the individuals in

this room will be released from confinement one day. You all live here, or at least have an apartment in D.C. With that being said, we appreciate you being here.  
(Emphasis added).

Representatives Greene and Gohmert then introduced themselves and listened to two inmates giving an opening statement and closing argument in a case.

After approximately 20 minutes, the delegation left the first LEAD-UP Group to travel to another wing of the CTF to see the second LEAD-UP Group: Young Men Emerging (YME).

### **7. LEAD-UP—Unit 3: Young Men Emerging (YME) (8:18 p.m. – 8:38 p.m.)**

In the nicest wing of the facility thus far, the delegation met with approximately two dozen young men and their mentors, dressed in pressed grey button-down crew-neck polos and jeans. This was the only group of inmates who were not wearing orange jumpsuits. The Young Men Emerging program is composed of younger inmates convicted of violent crimes who are paired with adult inmate mentors.

The inmates (YME's) were very respectful and discussed their daily routine in the facility, which included outdoor exercise, book club, chores (including cleaning), and access to educational programming. In exchange for completing chores, the YME's were able to accrue currency within the wing and trade it for access to gaming consoles and other recreational activities (foosball table, etc.). Additionally, the YME common area contained a large flatscreen high-definition television mounted on the wall. A *Thursday Night Football* NFL game between the Indianapolis Colts and New York Jets played quietly in the background as the delegation talked with the inmates.

One of Congresswoman Greene's staff had a prolonged conversation with a YME inmate who explained that each day the group sits to have a book club discussion. The assigned reading is a work of comparative analysis by Marc Morje Howard, a professor of Government and Law at Georgetown University. The book, which the YME inmate showed and explained to Rep. Greene's staff: "seeks to provide a careful and systematic analysis of the criminal justice and prison systems in the United States by placing them in direct comparison with a set of countries that are otherwise similar."<sup>7</sup> According to the book's summary online:

At every stage of the criminal justice process - plea bargaining, sentencing, prison conditions, rehabilitation, parole, and societal reentry - the U.S. is *harsher and more punitive* than other comparable countries.

In *Unusually Cruel*, Marc Morje Howard argues that the American criminal justice and prison systems are exceptional - *in a truly shameful way*. Although other scholars have focused on the internal dynamics that have produced this massive carceral system,

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<sup>7</sup> Marc Morje Howard, *Unusually Cruel: Prisons, Punishment, and the Real American Exceptionalism* (OUP, Oxford, 2017.) 2. <https://www.amazon.com/Unusually-Cruel-Punishment-American-Exceptionalism/dp/0190659343>

Howard provides the first sustained comparative analysis that shows just how far the U.S. lies outside the norm of established democracies.<sup>8</sup>

Additionally, the YME inmate who spoke with Rep. Greene's staff also mentioned that after finishing *Unusually Cruel*, the group planned to read *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, by Michelle Alexander, next in book club. Alexander's book is explicit in its withering criticism of the United States as a racially-stratified society: "we have not ended racial caste in America; we have merely redesigned it."<sup>9</sup>

In summary, the curriculum foisted onto the YME's for at least 5 hours a week includes academic studies and other books about how the United States is especially cruel relative to other developed nations and perpetuates a racial caste system.

Further testimony from the YME's revealed that they felt the jail treated them "well" and had "staff that cares about us," but were aware that in other parts of the jail, it is "real bad."

After approximately 20 minutes of discussion, the delegation left the YME wing and traveled to a hallway in the center of the CTF, an area which connected both facilities (CDF & CTF). At this time, the delegation stopped to "wait" for other parts of the group that had been separated from the delegation as it used multiple elevators that were not sufficiently large to fit the entire party.

The narrow hallway was covered with posters encouraging the inmates to register to vote. Approximately halfway down the hallway, a steel prison bar door was tucked into the wall, which could be used to separate the passageway between the two facilities. Representatives and staff stood along the wall with DOC staff in the middle of the hallway, just past the retracted prison bar door.

#### **8. Confrontation over access to January 6 Detainees (8:39 p.m. – 8:50 p.m.)**

As the group waited to fully assemble, Representative Greene initiated a conversation with the D.C. Mayor's representative, Eugene Kinlow, and Wanda Patten, Deputy Director of Operations, about when the delegation could see the January 6 defendants.

As the conversation progressed, Mr. Kinlow repeatedly stepped away from the delegation to call the "Director,"—presumably the Director of the D.C. Department of Corrections, Mr. Quincy Booth—though this was never confirmed. At one point, the steel prison bar door closed between the delegation and Mr. Kinlow.

Only after Representative Greene threatened to go to the media about the lack of access to the January 6 detainees did DOC staff allow the delegation to proceed to where the detainees were being held in the CTF.

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<sup>8</sup> Book summary, found at: <https://www.amazon.com/Unusually-Cruel-Punishment-American-Exceptionalism/dp/0190659343>.

<sup>9</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness: Revised Edition* (The New Press, New York, 2012). <https://www.amazon.com/New-Jim-Crow-Incarceration-Colorblindness/dp/1620971933/>.

The following conversation took place in a hallway between the CTF and CDF:

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**8:40 PM:**

**Rep. Greene:** And we're seeing the January 6 defendants? That's part of our tour. That's in this building [CTF], isn't it?

**Kinlow:** I think we are giving you the same tour that the first group did.

**Patten:** [They] didn't go [there].

**Kinlow:** I don't think we can go there either.

**Rep. Greene:** That's part of the tour. That's part of what we're doing tonight.

**Kinlow:** I get that, but I think it's clear from the Director that we must match the tours.

**Rep. Greene Staff:** We didn't see what the other tour did.

**Patten:** Yea...

**DC DOC Officer:** What it is: we went to...and then YME and then we flipped them [the delegation tours].<sup>10</sup>

**Rep. Greene:** Well, we're here to see the whole facility—and also see where the January 6 defendants are.

**Kinlow:** Again, I think the goal was to conform to the first group, and I think that...

**Rep. Greene:** That's not what we're here for. We're here to see where they are and the rest of the facility.

**Kinlow:** I don't think we have the authority...

**Rep. Gohmert:** What is there to hide? The complaint has been that they've been treated differently than the other detainees. I thought tonight we were going to find out.

**Rep. Greene to Rep. Gohmert:** I can't imagine the difference. What's the difference? All pretrial.

**Kinlow:** Give me one minute. The Director is offsite.

**8:43 PM**

*pause to wait on Mr. Kinlow to talk on the phone with the Director*

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<sup>10</sup> Recall that after the D.C. City Council split off from the congressional delegation after One Block South, the two groups never crossed paths.

**8:46 PM**

**Landerkin:** Director says the tour is over.

**Rep. Greene:** No, the tour's not over. The whole point of it was to see the entire place, and to see the January 6 defendants.

**Landerkin:** That's not my call. That's the Director's [decision].

**Rep. Greene:** Why though? What is the reason?

**Patten:** Let me say this, there is nothing to hide.

**Rep. Greene:** If there's nothing to hide, we should be seeing it. It's not about the first group [D.C. City Council delegation].

**Kinlow:** Everything that the first group [D.C. City Council delegation] has seen, you have seen.

**Rep. Greene:** We don't care about the first group.

**Kinlow:** We are not able to accommodate your request at this time.

**Rep. Greene:** We went in an area where there were people banging on walls and screaming because they have been held in those cells 24 hours a day, and you're telling us we can't see where the January 6 defendants, pretrial are? These people are presumed innocent.

**Kinlow:** You can't see where they are *today*. (Emphasis original)

**Rep. Greene:** Why? To hose them down and clean [them] up? And the facility? What is the problem?

**Kinlow:** This tour is being concluded.

**Rep. Greene:** No, this tour should not be concluded. If you don't have anything to hide, then show us.

**Kinlow:** I have nothing to hide.

**Rep. Greene:** You know what's going to happen when we walk out of here. We're going to say, "they showed us, gave us this great tour, we got to talk to inmates..."

**Kinlow:** The D.C. Councilmembers and legislators didn't get to see this.

**Rep. Greene:** I don't care. They didn't request this.

**Rep. Gohmert:** That's their concern, our concern....



**Kinlow:** I've got the Director on the line, and under advice from the Director this [tour is over].

**Rep. Greene:** WHY?!

**Rep. Gohmert:** Oh, well, if it's advice, then we can still go. That's just advice, that's not a directive.

*pause to wait on Mr. Kinlow to talk on the phone with the Director a second time*

**Rep. Greene:** The well-being of everyone is important and I don't know why we can't see one area.

*At this point, the steel bar door begins to close, separating Kinlow from the remainder of the group. Kinlow continued to speak with the Director as the doors separated him from the group.*

*The timing of the doors closing created suspicion that someone activated it on purpose. While DOC staff later claimed the doors automatically close on a timer, the Congressional delegation never received a plausible explanation for why the door closed precisely during the confrontation between the Representatives and the Mayor's staff.*

**Rep. Greene:** Oh, my goodness gracious.

**Rep. Greene Staff:** Ok, so we just got shut off from the facility. They just locked the door.

**Rep. Greene:** Why though?

**Rep. Gohmert—to Rep. Greene:** Like when the Marshals had the surprise inspection it was so they could clean it [the area] up better.

But there's no reason, since it got cleaned up, for us not to be able to go back there.

**Rep. Gohmert—to Deputy Warden Landerkin:** You understand, we can also make an appearance before the U.S. judge, and I intend to take action.

*After Kinlow finished the call around the corner, away from the group, he returned to make an announcement.*

**Kinlow:** Warden [Landerkin], can you open up?

**Landerkin:** I'll get the door open.

*The steel bar door begins to slowly re-open, Kinlow rejoined the group.*

**Kinlow:** Alright. It's ok, we're [going] to go to that section. I don't know where it is. I've never been there.

**DOC Staff:** (*anxiously*) We'll take them.

**Kinlow:** Well, let's go ahead and do it.

**Rep. Greene:** I just think it's better for everyone because, listen, I don't think misinformation is a good thing, and this is the best way to dispel of it.

~

After two hours since the beginning of the tour and after demanding to see the January 6 detainees, the Representatives were finally taken to the area. The conversation in the hallway ended and the group proceeded down another series of hallways and elevators within the CTF until reaching a new, lower level.

### **9. January 6 Detainee Wing (8:55 p.m. – 10:00 p.m.)**

After exiting the elevator and turning right, the delegation of approximately 15 people filed into a narrow hallway which led to a secluded area in the back of the CTF. This area was noticeably different: the January 6 detainee wing was a much older part of the jail that had not been updated in many years. One inmate claimed that this section of the jail had once been used as a psychiatric ward that had been decommissioned before the January 6 inmates were assigned there.

DC DOC staff opened a door and allowed Reps. Greene and Gohmert to enter a large, white, artificially lit room with approximately 40 inmates in orange scrubs scattered throughout the room. Inmates began to pour out of the rooms and approach the delegation of Representatives and staff. The wing had two floors, with cells along the walls of both floors. The center of the room contained a few scattered chairs and tables, but largely open space. The remainder of the room had an aged electronic panel controlling the cell doors, and a common shower area with 3 individual showers with curtains.

Moments after Reps. Greene and Gohmert entered the room, the inmates broke into excited yelling and triumphant shouting, astounded by a visit from two sitting Members of Congress. The inmates were overwhelmed with emotions: some crying, almost all emotionally shaken. One inmate asked to hug Congresswoman Greene. Except for the January 6 detainees, no other inmates in any part of the jail cried during the visit. Many January 6 inmates had not seen their families in some time and expressed a sense of hope after such a long period of isolation from the outside world.

As inmates gathered around the representatives, chants of "U-S-A! U-S-A!" rang out. Inmates began to form a line to shake hands with Reps. Greene and Gohmert and their staff. Congresswoman Greene began by asking questions of the inmates:

**Rep. Greene:** Are you able to see and speak with your attorneys?

*Inmates:* No!

**Rep. Greene:** Are you able to talk to and see your family members?

*Inmate:* No! I haven't seen my family since April.

*Inmate:* I haven't seen my family's faces since all year!

**Rep. Greene:** If you have long hair, is that by choice?

*Inmate:* Unless you're vaccinated you have to use Nair.

**Rep. Greene:** Do you feel like you're being treated fairly?

*Inmate:* No! Absolutely not. We only get five hours a day out of our cells. Which is better than one hour. We were held for 23 hours a day when we got here.

**Rep. Greene:** Do you go outside?

*Inmate:* Twice a week.

**Rep. Greene:** How many times a day do you get meals?

*Inmate:* Three. Define meal.

**Rep. Greene:** How often do you get mail?

*Inmate:* Whenever they [jail guards] feel like it.

**Rep. Greene:** Do you get to be included in any kind of educational classes or training?

*Inmates:* **immense sarcastic laughter**

**Rep. Greene:** Tell me about religious services. Are you allowed to have religious services?

*Inmate:* No. We do our own.

**Rep. Greene:** Do you have a Bible?

*Inmate:* Yes ma'am.

*Inmate:* They said the only way to get Communion is to get vaccinated.

*Inmate:* They sprayed all the cells with bleach before the Marshals came.

As the discussion continued, the inmates assembled for their nightly singing of the "Star-Spangled Banner" at 9 p.m. Following the singing of the national anthem, the congressional delegation began to mingle and have individual discussions with inmates.

Staff for Rep. Greene's office were shown the conditions inside of cells and community showers. Recently removed mold, dirt, and other stains were clearly visible. Inmates claimed that the Marshals Service had come through their area days before and cleaned it up, in addition to

painting the walls (or having them painted).<sup>11</sup> Some inmates disclosed that when they arrived in the area, the cells were crawling with rats and bed bugs. The air circulation in the individual cells is so minimal that human feces and other smells begin to fester and pollute the air.

But the physical conditions of the area were just the start. Inmates were only allowed out of their cells for five hours a day, a small mercy. Prior to this relative freedom, inmates were kept in their cells similar to the maximum security inmates: 23 and 1 (23 hours in the cell, 1 hour out), 22 and 2, (21 and 3), etc. One inmate, who had been detained since February 3, 2021, explained that he had been subjected to “23 and 1” for four months, followed by two months of 22 and 2. This inmate stated that he had gone through 200 days of solitary confinement. This type of treatment is being used against *inmates who are all pre-trial. They have been convicted of nothing.*

Despite remaining innocent until proven guilty under the law, the January 6 inmates are allowed few, if any, basic human needs. For example, to supplement their lack of nutrition from the jail, inmates must buy food from the commissary with their own money, limited to once-a-week with a maximum of \$125. Inmates cannot receive a haircut unless they are vaccinated. They cannot receive communion without being vaccinated. Many have been reduced to using Nair to chemically burn their hair off to keep themselves partially groomed. Most cannot speak to their families. Some are not even sure whether their family members know they are alive or their condition.

One elderly inmate, 71-year-old Lonnie Leroy Coffman, was in such poor condition that his lower forearm had turned purple and his thumb, black. Inmates claimed Lonnie could be in danger of losing his lower arm and has been denied medical treatment. Multiple inmates argued that if there were a way to get any inmate released, it should be Lonnie.

Many inmates suffered from a variety of health and dietary issues: one with a broken finger, another from celiac disease. The inmate with celiac disease must go days without eating because the jail will not accommodate his dietary needs. Other inmates claimed that the jail inserts chemicals and pubic hair in their food. Some inmates keep crackers or peanut butter in their cells to supplement their diet.

The severe treatment of these inmates within the facility cannot be overstated. These men have no access to a law library to work on their cases. Some are forced to represent themselves *pro se*, drafting dozens of pages of legal motions on notebook paper. Inmates stated that they are only allowed outside twice a week. They cannot go to religious services in the main CTF area because they are not vaccinated.

Representatives Greene and Gohmert continued to talk with the inmates, sign their Bibles and Constitutions, and listened to their stories. Staff received information from many of the inmates on the status of their cases, conditions in the January 6 detainee wing of the CTF, or requests to contact family or attorneys.

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<sup>11</sup> Recall that Representatives Greene and Gohmert tried to enter the jail two days earlier but were blocked by the Deputy Warden. As the conversation with inmates progressed, Deputy Warden Landerkin moved to the stairs between the first and second floor of the area and watched over the detainees and the congressional delegation.

One inmate provided Representative Greene with a longer explanation of how the January 6 group of inmates were being treated in the months leading up to the visit:

*Inmate 1:*

Congresswoman Greene, I want to talk to you about September 18<sup>th</sup>. Remember they had the big rally in support of us at the square in Washington [D.C.]?

They [DOC] woke us up prisoner-of-war style in the dawn, at 7:00 in the morning. [They] made us grab our mattresses in our hands and didn't tell us where we were going, what was happening, how long we were going to be gone. They marched us down single file out of here, we started singing the national anthem; I got punched in the gut for singing the national anthem by a guard here as retaliation.

They pulled us down into a random part of the jail and kept us there for 9 hours where there were no sinks, no bathrooms, or anything. We didn't know what was happening to us. It was literally how you treated prisoners-of-war to keep them disoriented and not let them know where you're going and everything – it was a travesty. They did that to us about at 8:00 in the morning to about 6:00 at night.

*Inmate 2:* That was the day the rally happened. I saw him get punched by the officer.

*Inmate 1:* For singing the national anthem I got punched in the gut!

Another inmate explained to Rep. Greene that his toilet did not work and that he was forced to hold his bladder for long periods of time until he could use a bathroom in another cell in the wing:

**Rep. Greene:** Your toilet doesn't work? Where do you use the restroom?

*Inmate:* I got to wait to come out and come down to this cell down here.

**Rep. Greene:** Oh, my goodness.

Another conversation involved inmates singing "God Bless America" in their cells in early June 2021, and the retaliation from jail guards:

*Inmate:* On June 1, 2021, we [the inmates] sang "God Bless America" at 11:45 p.m. and Corporal Holmes, who was not normally stationed there, into their area and told us to "shut the fuck up." We replied that we were singing "God Bless America" and the guard replied, "fuck America" and then went up to one cell, turned his camera off and said he would 'beat his ass' (referring to the inmate). The guard came back at 4:30 a.m. on June 2 taunting and harassing us... We wrote multiple grievances about this officer, and they were all returned by the guard himself.

After speaking with many of the inmates, Congresswoman Greene made the following statement to them:

I was upset about the riot on January 6. I don't call it an insurrection—it wasn't—but I was upset. But I'm here because I really, truly am worried that you all are being treated poorly and it's a human rights abuse and it's an abuse of your civil rights and you should be presumed innocent before proven guilty. And I believe in a good justice system and that you should be treated fairly, just like the rest of the people here that I saw tonight who are really being treated very well.

I think that should be extended to every single person regardless of politics or skin color or what you're being charged with. We've heard terrible things and I want you to know that Congressman Gohmert and I have basically refused to back down on this issue.

The America we know is not a racist country. We want people to be receiving fairness in the justice system.

After approximately 40 minutes of discussion, Congresswoman Greene asked everyone to huddle in a circle. The January 6 inmates locked arms in a wide circle which included staff from the congressional offices, Rep. Gohmert, and Mr. Kinlow.

As the group gathered, Congresswoman Greene made the following remarks:

**Rep. Greene:** It was important to see the entire jail. Now that we've seen all of it, I think we've learned a lot of things that we needed to know. I have to tell you as a Christian and a fellow American citizen, I don't believe that anyone should be abused simply because of their skin color, or their political views or their religious views or their religion.

It's wrong to abuse people. We all have our civil rights and they need to be protected. And here's something else you need to know: It's a hard time for all of you and it's a hard time for most people, especially being incarcerated, but don't lose hope. Don't lose hope.

*Inmates:* NEVER!

**Rep. Greene:** You know who you are, a child of God, and He loves every single one of you. He made you and He formed you and He knew you before you were born, and that's the greatest gift. He's got a plan for every single one of us. You know you're not forgotten; you're appreciated. And you're loved, and your families love you. They miss you and your friends love you. And many people talk about you and pray for you. And I think if anything, we can come through this time in our country, hopefully we can all come back together, and we're not divided by that.

I want to pray for everyone here. [prayer]

Following the prayer, DOC staff began asking inmates to return to the door of their cells for lights-out at 10 p.m. Mr. Kinlow expressed to one member of Rep. Greene's staff that it was "recommended" that the delegation leave before 10 p.m.



As the time with the inmates came to an end, DOC staff announced to the inmates that the inmates had 3 minutes before the time with Representatives and staff would conclude. Approximately 30 seconds later, DC DOC staff began trying to break up the huddle of inmates showing Reps. Greene and Gohmert video footage from January 6. The immediate attempt to end this revelation prompted one of the inmates to respond, “That was a quick 30 seconds.”

As DC DOC staff slowly escorted the congressional delegation out of the room, the January 6 detainees began a “U-S-A!” chant followed by a “LETS-GO-BRANDON!” chant.

As the doors closed ominously, the delegation was quickly led through the CTF back toward the CDF, and the jail entrance.

**Exit from the Facility via the CTF and CDF (10:00 p.m. – 10:15 p.m.)**

During this time, Reps. Greene and Gohmert thanked the staff of the Department of Corrections and the Mayor’s Office for allowing the delegation to see the January 6 detainees. As the delegation returned to the exit of the jail, Reps. Greene and Gohmert continued to ask personal questions to the DC DOC staff about their tenure at the facility and expressed their appreciation for the tour.

Staff and Members exited the facility at approximately 10:15 p.m.

## CONCLUSION

The congressional visit to the D.C. jail on November 4 unquestionably proved that there is a two-track justice system in the United States. This two-tiered system is not based on race, violence, or conviction of crime, but politics.

This report demonstrates that pre-trial inmates related to January 6 are treated more harshly than any other inmates in the D.C. jail, even though they have yet to be convicted of any crime. While Young Men Emerging (YME) and other convicted inmates are given access to flat screen TV's, moot court lessons, and educational iPads, January 6 detainees are denied basic medical care, bathrooms, exercise, religious services, haircuts, and a nutritious diet.

If that were not enough, the outright duplicity of those overseeing the jail could not be more evident. For example, DOC staff were overly conscientious about every person wearing masks in the general population area but could care less about masks or face shields when the congressional delegation interacted with the January 6 inmates in close proximity for over an hour.

Moreover, almost every hallway of the jail was covered in advertisements encouraging inmates to register to vote while some inmates cannot see their families or contact their attorneys. Furthermore, it remains difficult to resist the conclusion that DOC staff support the dissemination of racist and anti-American propaganda to inmates, whether in the form of Nation of Islam newspapers, Critical Race Theory articles, or academic studies teaching young inmates that the United States perpetuates a racial caste system. While these materials are ubiquitous throughout the jail, many inmates cannot get Bibles or basic legal materials to aid in their case work.

The sad, but unsurprising, reality of the D.C. jail reveals that the primary programming goal was centered around access to voting and anti-American propaganda. If preponderance of the evidence is any indicator, it seems more likely that the jail staff was more concerned with inmates voting and understanding that America is racist than ensuring basic healthcare, diet, and civil liberties are preserved. While it cannot be denied that the jail does provide educational resources to some inmates, it is largely dependent on whim rather than equal access about who receives it.

While the delegation sincerely appreciates the DOC staff for providing the tour of the facility, it should not have taken three visits, one congressional letter, and a forced confrontation with the D.C. Mayor's representative and DOC staff for Members of Congress to inspect a jail they have the constitutional duty and prerogative to oversee. As Representatives Greene and Gohmert pointed out, if there is nothing to hide, there should be no issue in seeing these inmates or their conditions.

Since the Marshals Service has already declared a portion of the facility unhospitable for more than 400 inmates, and the D.C. Mayor's Office has already signed a memorandum of understanding with the Marshals admitting that there is a need to correct certain problems, clearly more work remains to improve inmate conditions throughout the jail.

The delegation of Representatives and staff that toured the facility on the evening of November 4 offer this report to support the basic dignity of January 6 inmates and others throughout the D.C. jail who continue to be unreasonably mistreated.

## APPENDIX

### OUTSTANDING QUESTIONS

1. Were Reps. Greene and Gohmert allowed into the facility because they complained to the DC Mayor's Office about showing up on multiple occasions and being denied entry?
2. Was the Marshals' surprise inspection and statement on November 2, 2021, a result of the repeated attempted visits by Representatives Greene, Gohmert, Gaetz, and Gosar in July and November?
3. What happened to Ryan Samsel? According to the inmates, Samsel was beaten and had his face broken.
4. Why was Robert Moore strip-searched and assaulted by other guards?
5. Why were inmates denied access to a functioning toilet for more than 20 hours a day while being locked in their cell?

### EXHIBITS

#### **Exhibit 1: Marshal's Service Statement Outlining the Unsuitable Conditions of the Central Detention Facility (CDF):**

**November 02, 2021**

**For Immediate Release**

**Contact:**

U.S. Marshals Office of Public Affairs  
(703) 740-1699

#### **Statement by the U.S. Marshals Service Re: Recent Inspection of DC Jail Facilities**

Washington, D.C. – During the week of October 18, the U.S. Marshal for the District of Columbia conducted an unannounced inspection of the District of Columbia Department of Corrections (DC DOC) facilities that house several hundred detainees who are facing charges in the U.S. District Courts for the District of Columbia and Maryland or are awaiting placement in a Federal Bureau of Prisons (BOP) facility to serve their sentence. While the U.S. Marshals Service (USMS) is responsible for the care and custody of these detainees, under an agreement between the federal and DC governments, the DC DOC is responsible for determining where within their corrections facilities the inmates will be housed; maintaining and staffing the physical facilities; and providing for detainees.

The USMS inspection was prompted by recent and historical concerns raised regarding conditions at the DC DOC facilities, including those recently raised by various members of the judiciary.

The inspection encompassed two DC DOC housing facilities - the Central Treatment Facility (CTF) and the Central Detention Facility (CDF). During the unannounced inspection, the U.S. Marshal reviewed both housing facilities and conducted more than 300 voluntary interviews with detainees.

The U.S. Marshal's inspection of CTF did not identify conditions that would necessitate the transfer of inmates from that facility at this time. CTF houses approximately 120 detainees in the custody of the USMS, including all the defendants in pre-trial custody related to alleged offenses stemming from events that took place on January 6 at the U.S. Capitol, as well as other federal detainees. Housing assignments for detainees are determined by the DC DOC.

The U.S. Marshal's inspection of CDF revealed that conditions there do not meet the minimum standards of confinement as prescribed by the Federal Performance-Based Detention Standards. CDF houses approximately 400 detainees in the custody of the USMS.

Based on the results of the unannounced inspection, USMS leadership made the decision to remove from CDF all detainees under the custody of the USMS. Working with the BOP, the USMS will transfer those detainees to USP Lewisburg in Pennsylvania. The Lewisburg BOP facility provides attorney and visitor areas, medical care, and video teleconferencing capabilities. The USMS is committed to ensuring that detainees have adequate access to defense counsel, family support, medical care, and discovery related to their cases while in USMS custody.

The USMS has informed DC DOC of its findings, and the USMS Prisoner Operations Division will work with DC DOC to initiate a corrective action plan.

Additional information about the U.S. Marshals Service can be found at <http://www.usmarshals.gov>.

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America's First Federal Law Enforcement Agency

## Exhibit 2: Congressional Letter to Mayor Bowser

November 4, 2021

Ms. Muriel Bowser  
Mayor  
District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Ave, NW  
Washington, DC, 20004

Mayor Bowser—

We write to express our continued frustration with your office’s repeated denial of access to the D.C. Central Treatment (CTF) and Central Detention (CDF) facilities located at 1901 D St SE. As duly elected Members of Congress tasked with funding, oversight, and authority over the District, we find no justifiable reason that would prevent us from inspecting these facilities.

Our staff has repeatedly worked in good faith to communicate with your office requesting time for Members of Congress to inspect these facilities, to which we have received no reply. Onsite, Deputy Warden Kathleen Landerkin accused us of “trespassing” and not scheduling a meeting with the Director. Not only is the latter statement categorically false, but the lack of professionalism exhibited is unacceptable and disrespectful. It should go without saying that local administration is a grant from Congress, not an inherent right.

The Constitution vests absolute legislative authority over the District of Columbia to Congress.<sup>12</sup> And while Congress has delegated some of its authority to your office for day-to-day administration of local affairs, the Supreme Court has held that Congress retains the “power at any time to revise, alter, or revoke the authority granted.”<sup>13</sup> Additionally, the Court has explicitly stated that “the power of Congress over the District relates not only to ‘national power,’ but to all the powers of legislation which may be exercised by a state in dealing with its affairs.”<sup>14</sup>

If this were not sufficiently clear, the D.C. Home Rule Act of 2013 states that:

notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.<sup>15</sup>

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<sup>12</sup> U.S. Constitution, Article I, Section 8, Clause 17.

<sup>13</sup> *District of Columbia v. John R. Thompson Co., Inc.*, (346 U.S. 100, 1953).

<sup>14</sup> *Id.*

<sup>15</sup> Home Rule Act of 2013, D.C. Official Code 1-206.01, Title VI, Section 601, Retention of Constitutional Authority, [https://dccouncil.us/wp-content/uploads/2017/05/Home%20Rule%20Act%202013%20\(2-11-14\).pdf](https://dccouncil.us/wp-content/uploads/2017/05/Home%20Rule%20Act%202013%20(2-11-14).pdf).



These constitutional, judicial, and statutory precedents make clear that it is the right, prerogative, and duty of Members of Congress to inquire and inspect how U.S. citizens are treated in the District before appropriating taxpayer dollars, granting consent to local officials in their stewardship of our constitutional authority, or considering recent proposals such as statehood.

Furthermore, the recent statement by the U.S. Marshal's Service (USMS) that the CDF did not meet minimum standards of confinement brings into sharp relief the atrocious conditions in which detainees are treated in our nation's capital.<sup>16</sup> In the same statement, USMS admitted to making the decision that 400 detainees must be moved to another state because conditions are so unsuitable in facilities you are responsible for maintaining.

Surely your office would not wish to be tainted with a reputation of willfully mistreating U.S. citizens—treating them as second-class—while they await their transfer to the Bureau of Prisons or release. Since your office has campaigned fiercely to gain the attention of congressional lawmakers to consider the “civil rights...of DC residents” and the condition of the District in regards to statehood, we think it only appropriate that you should be concerned about the treatment of American citizens held awaiting trial or processing.<sup>17</sup>

In fact, in your recent testimony before the Senate Homeland Security and Governmental Affairs Committee, you highlighted the inactivity by lawmakers as the reason why residents of the U.S. capital are treated as “second-class citizens.”<sup>18</sup> We hear your request for greater involvement by lawmakers into the civil rights of DC residents and those being held within its bounds. In that same hearing, you asked Senators to treat D.C. residents “the same as all other...American citizens” and that Members of Congress not “perpetuate civil rights wrong[s].”<sup>19</sup>

We find it morally bankrupt and completely duplicitous that your office has allowed more than 400 detainees to waste in squalid conditions and be denied their constitutional liberties while you lobby Congress to incorporate D.C. as the 51<sup>st</sup> state. Conceivably, admission to the rank of state assumes that those who seek to manage it as such have a demonstrated record of governing well. This premise is woefully lacking here.

If the Marshal's statement of November 2 is any indicator of the ongoing failure of D.C. correctional facilities to treat citizens humanely, then the urgency for us to inspect these facilities is paramount. If your office has nothing to hide, then we welcome and request the opportunity to receive an inspection of the facility at the earliest convenience.

Failure to respond to this letter with an opportunity to inspect the facility will indicate to us that not only does your office not care about “righting civil rights wrongs—wrong[s] which have been materially demonstrated by the U.S. Marshals—but that your pleas that Congress remedy what

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<sup>16</sup> Statement by the U.S. Marshals Service, Re: Recent Inspection of DC Jail Facilities, November 2, 2021, <https://www.usmarshals.gov/news/chron/2021/110221b.htm>.

<sup>17</sup> Executive Office of the Mayor, “Mayor Bowser Calls on U.S. Senate to Rectify the Most Glaring Civil Rights and Voting Rights Issue of Our Time by Supporting D.C. Statehood,” June 22, 2021, <https://mayor.dc.gov/release/mayor-bowser-calls-us-senate-rectify-most-glaring-civil-rights-and-voting-rights-issue-our>.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

you see as a “second-class” citizen problem are nothing but the ultimate and latest example of hypocrisy. No serious lawmaker should consider granting your request for D.C. statehood while our citizens are languishing under your administration.

We respectfully ask that your office reply to this request in the next 72 hours. If we do not hear from you within that period, we will release this letter to the media, the Department of Justice, and the residents of the District of Columbia. Additionally, we believe that the conduct demonstrated by Ms. Kathleen Landerkin, Deputy Warden in charge of operations at the 1901 D Street SE facility, including avoiding and evading Members’ questions and forcibly locking Members out of the facility, on multiple occasions, merits her immediate termination.

Furthermore, with the level of disrespect exhibited toward Members over the last four months, we would like to request a personal tour of the facility by yourself, Mr. Quincy Booth, and Ms. Wanda Pattern.

We look forward to your reply—

Representative Marjorie Taylor Greene (GA-14)

Representative Paul Gosar, D.D.S. (AZ-4)

Representative Matt Gaetz (FL-1)

Representative Louie Gohmert (TX-01)

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