

My name is Julie Kelly and I am a senior contributor for American Greatness online journal.

For nearly a year, I have reported on the inhumane conditions at the D.C. Correctional Treatment Facility, which has been set aside to detain Americans charged in the Justice Department's Capitol breach probe. The Justice Department has sought pretrial detention for at least 100 January 6 protesters; right now, more than 70 men are incarcerated at prisons across the country awaiting trial. According to one count, and this is based on work of an independent researcher because jail officials are so opaque, 37 men are detained at the D.C. Correctional Treatment Facility.

It's important to underscore to those watching that these defendants have not been convicted of any crime. Most have no criminal record and some do not face violent charges related to their conduct on January 6. Many detainees don't even have a court date yet. They have been denied bail because prosecutors insist they are a threat to society based on their participation in the Capitol protest and federal judges on the D.C. District Court—judges appointed by every president from Ronald Reagan to Donald Trump—have consented to the Justice Department's demand to keep them behind bars while at the same repeatedly delaying trials into the middle of this year.

The original rationale for keeping the January 6 protesters separated from the general population incarcerated in the D.C. Department of Corrections was to protect them from more violent criminals. It appears, however, that the D.C. jail for January 6 protesters is more of a political prison for Americans who protested Joe Biden's election.

Detainees at the D.C. jail have reported numerous human rights and Constitutional violations. A detainee I spoke with this week—an Army reservist charged with no violent crime who nonetheless has been in prison since his arrest one year ago—confirmed the January 6 jail is under a 22-hour lockdown due to COVID.

It's nearly impossible for detainees to meet with their attorneys or access the discovery evidence against them. Defense lawyers have complained that it takes months for their clients to finally receive digital discovery materials because jail officials are withholding the evidence. The viewing of video evidence—especially any clip produced from the roughly 14,000 hours of surveillance video captured by Capitol security cameras on January 6 that the Justice Department designated “highly sensitive” government material—is under strict rules. It's nearly impossible for detainees to watch any relevant video concealed under protective orders.

The situation is so egregious that the D.C. District Court formed a committee to attempt to resolve the problem. In July, Judge Randolph Moss blasted the D.C. jail for withholding evidence from an accused defendant. “I can't allow someone to sit in prison for this long without access to material,” Moss said, calling the delays “utterly unacceptable” and “not consistent with due process.”

But six months later, the situation does not appear to be improving.

Living conditions are also utterly unacceptable. Detainees do not have access to religious services, a law library, or even personal hygiene services. Some have not seen their families in nearly a year. Detainees have reported instances of racially and politically-motivated verbal abuse. I am told the only newspaper distributed within the D.C. jail for January 6 defendants is the paper published by the Nation of Islam.

One was moved from the D.C. jail after he was physically assaulted by jail guards. Another detainee was moved after a judge concluded jail officials were withholding treatment for his non-Hodgkin's lymphoma and for a broken hand. And another detainee, a former Army ranger with three tours of duty in Afghanistan, was moved to a facility in another state after a judge heard of an explicit strip search by jail officials following an in-person meeting with his attorney.

Just this week, Marvin Bickman, a federal detention monitor for the U.S. Marshals Service detailed several issues at the D.C. jail for January 6 detainees such as the presence of mold and maintenance of CPAP machines. Bickman reported that detainees who refuse to get the COVID shot are denied shaving gear and haircuts. Detainees who refuse the vaccine cannot have personal visits. Regardless of vaccination status, January 6 detainees are only allowed two hours of recreation time per day, which means they spend 22 hours alone in a freezing 8 x 10 cell.

Again, these men have not been convicted of any crime.

Bickman also again confirmed what I have heard from detainees, lawyers, and judges about lack of access to discovery material.

Detainees, Bickman wrote in his report, “are allowed access to computers to review electronic discovery for only 14 days and that there are not enough computers to go around.”

This is a clear violation of the Sixth Amendment. Yet Bickman still concluded that the conditions in the D.C. jail for January 6 detainees are “appropriate and consistent” with federal prisoner standards.

Despite being held in inhumane and in some instances abusive conditions as they await trials that have been repeatedly delayed, January 6 detainees still sing the National Anthem each night at 9 p.m., a tradition the earliest detainees began last February.

I would like to thank the committee for allowing me to speak this morning and I will be happy to answer any questions.