

Congress of the United States

Washington, DC 20515

February 5, 2021

Monty Wilkinson
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Acting Attorney General Wilkinson:

As we continue to reel from the attack on the Capitol and begin to see those responsible face the accountability of our justice system, we have been disturbed to see many individuals treated with what can only be described as tremendous White privilege. As we are sure you are aware, for decades Black and brown Americans have been held indefinitely after the mere accusation of crimes like the theft of a backpack – yet those who engaged in insurrection at our nation’s Capitol with clear intent to destroy and do harm have been sent back to their homes, or cleared to travel. As the Department of Justice continues to identify and charge the terrorists who participated in the January 6th attack, we urge you to weigh in on each case to ensure that the severity of these individuals actions are considered in the context of bail and release.

This country has for decades needed reforms to its bail system to ensure that people are held pending the outcome of their trial only if they pose a public danger, not merely because they cannot pay. With that said, many of those who have been and will be charged in the assault on our democracy that took place on January 6th are the clearest possible version of a public threat, yet have been allowed to return to their homes, or more incredible still, travel internationally.

High-profile examples include Ms. Jenny Louise Cudd, who was granted pretrial release after being charged with entering a federal building without permission and engaging in disorderly conduct. Not only was she released, but she has asked a federal judge for permission to leave the country to go on vacation this month. Riley June Williams, who confiscated a laptop from Speaker Pelosi’s office with intent to give the information to Russian intelligence, was allowed to remain on home confinement with her mother. Finally, there is Aaron Mostofsky, son of a Brooklyn Supreme Court judge, who faces four charges, including felony theft of government property, yet was granted bail and is now waiting with his family before the trial.

Each of the individuals listed above is white, and their treatment speaks volumes about the reasons so many Black and brown Americans have lost faith in the justice system. There is reporting that Black individuals arrested for participating in the attack have been denied bail, further illustrating these disparities. Justice needs to be administered equally and fairly, and your department has the ability to bring that equality about.

Last summer, when millions of people across the nation protested for racial justice, harsh treatment by local authorities and more punitive treatment by judges and courts were widely reported in comparison with what has happened to those who attacked the Capitol. What we request is fair and full accountability for the egregious acts that took place on January 6th.

We ask that as you move forward with these charges, that you consider consistent and appropriate requests for bail and other pretrial processes. We thank you in advance for your consideration.

Sincerely,



Bonnie Watson Coleman
Member of Congress

/s/
Katherine Clark
Member of Congress

/s/
Donald M. Payne, Jr.
Member of Congress

/s/
Barbara Lee
Member of Congress

/s/
Karen Bass
Member of Congress

/s/
Jesús G. "Chuy" Garcia
Member of Congress

/s/
Mark Takano
Member of Congress

/s/
Alcee L. Hastings
Member of Congress

/s/
Rick Larsen
Member of Congress

/s/
Adriano Espaillat
Member of Congress

/s/
Mondaire Jones
Member of Congress

/s/
Jan Schakowsky
Member of Congress

/s/
Terri A. Sewell
Member of Congress

/s/
Jahana Hayes
Member of Congress