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INVESTIGATION RESULTS

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Financial Disclosure Report

Clerk of the House of Representatives • Legislative Resource Center • 135 Cannon Building • Washington, DC 20515

Filer Information

Name: Mrs. Marjorie Taylor Mrs Greene
Status: Congressional Candidate
State/District: GA14

Filing Information

Filing Type: Candidate Report
Filing Year: 2020
Filing Date: 05/14/2020
Period Covered: 01/01/2018– 12/31/2019

Schedule A: Assets and "Unearned" Income

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
AbbVie Inc. (ABBV) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Activision Blizzard, Inc (ATVI) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Alphabet Inc. - Class C Capital Stock (GOOG) [ST]	JT	$1,001 - $15,000	None		
Amazon.com, Inc. (AMZN) [ST]	JT	$1,001 - $15,000	None		
Amazon.com, Inc. (AMZN) [ST] Description: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Amgen Inc. (AMGN) [ST]	SP	$1,001 - $15,000	Tax-Deferred		
Amgen Inc. (AMGN) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	$1 - $200
Apple Inc. (AAPL) [ST]	JT	$15,001 - $50,000	Dividends	$1 - $200	$1 - $200
Apple Inc. (AAPL) [ST]	SP	$1,001 - $15,000	Tax-Deferred		

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
DESCRIPTION: Perry's Roth IRA					
Astrazeneca PLC (AZN) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
AT&T Inc. (T) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	None
Avanos Medical, Inc. (AVNS) [ST]	JT	$1,001 - $15,000	None		
Bank of America Corporation (BAC) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Bank of America Corporation (BAC) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Beazer Homes USA, Inc. (BZH) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Beazer Homes USA, Inc. (BZH) [ST]	JT	$1,001 - $15,000	None		
BHP Group Limited American Depositary Shares (BHP) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
BHP Group Limited American Depositary Shares (BHP) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
BlackRock, Inc. (BLK) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
Boeing Company (BA) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Boeing Company (BA) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Bristol-Myers Squibb Company (BMY) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Bristol-Myers Squibb Company (BMY) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Cardinal Health, Inc. (CAH) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
Cash in Schwab One Account [BA]	JT	$100,001 - $250,000	Interest	$1,001 - $2,500	$5,001 - $15,000

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
Caterpillar, Inc. (CAT) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	None
Charles Schwab Corporation (SCHW) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Charles Schwab Corporation (SCHW) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Chevron Corporation (CVX) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Cisco Systems, Inc. (CSCO) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Cisco Systems, Inc. (CSCO) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Citigroup, Inc. (C) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
Corning Incorporated (GLW) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
CVS Health Corporation (CVS) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Derek IRA ⇒ iShares Core MSCI Emerging Markets ETF (IEMG) [ST]	DC	$1 - $1,000	Tax-Deferred		
Derek IRA ⇒ iShares Core MSCI Total International Stock ETF (IXUS) [ST]	DC	$1 - $1,000	Tax-Deferred		
Derek IRA ⇒ iShares Core S&P 500 ETF (IVV) [ST]	DC	$1 - $1,000	Tax-Deferred		
Derek IRA ⇒ iShares Core S&P Small-Cap ETF (IJR) [ST]	DC	$1 - $1,000	Tax-Deferred		
Derek IRA ⇒ iShares Core S&P U.S. Growth ETF (IUSG) [ST]	DC	$1 - $1,000	Tax-Deferred		
Digital Realty Trust, Inc. (DLR) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Electronic Arts Inc. (EA) [ST]	JT	$1,001 - $15,000	None		

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
Exxon Mobil Corporation (XOM) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Exxon Mobil Corporation (XOM) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Facebook, Inc. - Class A (FB) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Facebook, Inc. - Class A (FB) [ST]	JT	$1,001 - $15,000	None		
FedEx Corporation (FDX) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Freeport-McMoRan, Inc. (FCX) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
General Dynamics Corporation (GD) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
General Mills, Inc. (GIS) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Gilead Sciences, Inc. (GILD) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Gilead Sciences, Inc. (GILD) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
GlaxoSmithKline PLC (GSK) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
Goldman Sachs Group, Inc. (GS) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Goldman Sachs Small Cap Value [MF] DESCRIPTION: Perry's 401K	SP	$15,001 - $50,000	Tax-Deferred		
Goldman Sachs Small Cap Value A [MF] DESCRIPTION: Marjorie's 401K		$15,001 - $50,000	Tax-Deferred		
Greene Raliegh Gardens, LLC [RP] LOCATION: Raliegh, NC, US	SP	$50,001 - $100,000	Distributions	$15,001 - $50,000	$15,001 - $50,000
Hanmi Finl Corp CD [BA] DESCRIPTION: Sold during 2019	JT	None	Interest	$1 - $200	$1,001 - $2,500

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
Hartford International Opportunities R4 [MF] DESCRIPTION: Perry's 401K	SP	$50,001 - $100,000	Tax-Deferred		
Hartford International Opportunities R4 [MF] DESCRIPTION: Marjorie's 401K		$15,001 - $50,000	Tax-Deferred		
Homestreet Bank CD [BA] DESCRIPTION: Sold in 2019	JT	None	Interest	$1 - $200	$2,501 - $5,000
Host Hotels & Resorts, Inc. (HST) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	None
Intel Corporation (INTC) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	$1 - $200
International Paper Company (IP) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
iShares Core S&P 500 ETF (IVV) [ST]	DC	$1 - $1,000	Dividends	$1 - $200	$1 - $200
J.M. Smucker Company (SJM) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
Johnson & Johnson (JNJ) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
JP Morgan Chase & Co. (JPM) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
JP Morgan Equity Income A [MF] DESCRIPTION: Marjorie's 401K		$15,001 - $50,000	Tax-Deferred		
JPMorgan Equity Income A [MF] DESCRIPTION: Perry's 401K	SP	$50,001 - $100,000	Tax-Deferred		
Kinder Morgan, Inc. (KMI) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
Lauren's IRA ⇒ iShares Core MSCI Emerging Markets ETF (IEMG) [ST]	DC	$1 - $1,000	Tax-Deferred		
Lauren's IRA ⇒ iShares Core MSCI Total International Stock ETF (IXUS) [ST]	DC	$1 - $1,000	Tax-Deferred		

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
Lauren's IRA ⇒ iShares Core S&P 500 ETF (IVV) [ST]	DC	$1 - $1,000	Tax-Deferred		
Lauren's IRA ⇒ iShares Core S&P Small-Cap ETF (IJR) [ST]	DC	$1 - $1,000	Tax-Deferred		
Lauren's IRA ⇒ iShares Core S&P U.S. Growth ETF (IUSG) [ST]	DC	$1 - $1,000	Tax-Deferred		
Lockheed Martin Corporation (LMT) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Marconi Drive Offices, Inc [RP] LOCATION: Alpharetta, GA, US	JT	$1,000,001 - $5,000,000	Rent	$100,001 - $1,000,000	$100,001 - $1,000,000
Marjorie IRA ⇒ iShares Core MSCI Emerging Markets ETF (IEMG) [ST]		$1,001 - $15,000	Tax-Deferred		
Marjorie IRA ⇒ iShares Core MSCI Total International Stock ETF (IXUS) [ST]		$1,001 - $15,000	Tax-Deferred		
Marjorie IRA ⇒ iShares Core S&P 500 ETF (IVV) [ST]		$15,001 - $50,000	Tax-Deferred		
Marjorie IRA ⇒ iShares Core S&P Small-Cap ETF (IJR) [ST]		$1,001 - $15,000	Tax-Deferred		
Marjorie IRA ⇒ iShares Core S&P U.S. Growth ETF (IUSG) [ST]		$1,001 - $15,000	Tax-Deferred		
Medical Marijuana, Inc. (MJNA) [ST]	JT	$1,001 - $15,000	None		
MFS Mid Cap Value R3 [MF] DESCRIPTION: Perry's 401K	SP	$50,001 - $100,000	Tax-Deferred		
MFS Mid Cap Value R3 [MF] DESCRIPTION: Marjorie's 401K		$15,001 - $50,000	Tax-Deferred		
Microsoft Corporation (MSFT) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	$201 - $1,000
Mondelez International, Inc. - Class A (MDLZ)	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
[ST]					
Nationwide S&P 500 Index [MF] DESCRIPTION: Marjorie's 401K		$50,001 - $100,000	Tax-Deferred		
Nationwide S&P 500 Index A [MF] DESCRIPTION: Perry's 401K	SP	$100,001 - $250,000	Tax-Deferred		
Nestle SA Sponsored ADR representing Registered Shares Series B (NSRGY) [ST]	JT	$1,001 - $15,000	None		
Nestle SA Sponsored ADR representing Registered Shares Series B (NSRGY) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Netflix, Inc. (NFLX) [ST]	JT	$1,001 - $15,000	None		
Newell Brands Inc. (NWL) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
NVIDIA Corporation (NVDA) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	None
Path2College 529 plan #2 [5P] LOCATION: GA	JT	$15,001 - $50,000	Tax-Deferred		
Path2College 529 Plan #3 [5P] LOCATION: GA	JT	$15,001 - $50,000	Tax-Deferred		
Path2College529 Plan #1 [5P] LOCATION: GA	JT	$15,001 - $50,000	Tax-Deferred		
Pfizer, Inc. (PFE) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
Pfizer, Inc. (PFE) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Procter & Gamble Company (PG) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$1 - $200
Public Storage (PSA) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
QTS Realty Trust, Inc. Class A (QTS) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
QUALCOMM Incorporated (QCOM) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Schwab International Equity ETF (SCHF) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Schwab U.S. Broad Market ETF (SCHB) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Schwab U.S. REIT ETF (SCHH) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Schwab U.S. Small-Cap ETF (SCHA) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Schwab US Dividend Equity ETF (SCHD) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Southern Company (SO) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	$1 - $200
Southern Copper Corporation (SCCO) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Taylor Commercial, Inc, 100% Interest [OL] LOCATION: Georgia, GA, US DESCRIPTION: Income from operation of business	JT	$5,000,001 - $25,000,000	Distributions	$100,001 - $1,000,000	$100,001 - $1,000,000
Taylor's IRA ⇒ iShares Core MSCI Emerging Markets ETF (IEMG) [ST]	DC	$1 - $1,000	Tax-Deferred		
Taylor's IRA ⇒ iShares Core MSCI Total International Stock ETF (IXUS) [ST]	DC	$1 - $1,000	Tax-Deferred		
Taylor's IRA ⇒ iShares Core S&P 500 ETF (IVV) [ST]	DC	$1 - $1,000	Tax-Deferred		
Taylor's IRA ⇒ iShares Core S&P Small-Cap ETF (IJR) [ST]	DC	$1 - $1,000	Tax-Deferred		
Taylor's IRA ⇒ iShares Core S&P U.S. Growth ETF (IUSG) [ST]	DC	$1 - $1,000	Tax-Deferred		
Teva Pharmaceutical Industries Limited American Depositary Shares (TEVA) [ST]	JT	$1,001 - $15,000	None		

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
The Blackstone Group Inc. Class A (BX) [ST]	JT	$15,001 - $50,000	Dividends	$1 - $200	None
The Kraft Heinz Company (KHC) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Truist Financial Corporation (TFC) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	$201 - $1,000
United Parcel Service, Inc. (UPS) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
United Parcel Service, Inc. (UPS) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
US Treasury [GS] DESCRIPTION: US Treasury Bill20 in our Schwab One Account	JT	$50,001 - $100,000	Interest	$201 - $1,000	None
Vulcan Materials Company (VMC) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Vulcan Materials Company (VMC) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Walgreens Boots Alliance, Inc. (WBA) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	$201 - $1,000
Walt Disney Company (DIS) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	$1 - $200
Walt Disney Company (DIS) [ST] DESCRIPTION: Perry's Roth IRA	SP	$1,001 - $15,000	Tax-Deferred		
Wells Fargo Checking Account [BA]	JT	$100,001 - $250,000	Interest	$201 - $1,000	$201 - $1,000
Wells Fargo Savings Account [BA]	JT	$1,001 - $15,000	Interest	$1 - $200	$1 - $200

* Asset class details available at the bottom of this form. For the complete list of asset type abbreviations, please visit https://fd.house.gov/reference/asset-type-codes.aspx.

SCHEDULE C: EARNED INCOME

Source	Type	Amount Current Year to Filing	Amount Preceding Year
Taylor Commercial, Inc	Salary	$100,000.00	$100,000.00
Taylor Commercial, Inc	Spouse Salary	$200,000.00	$200,000.00

Source	Type	Amount Current Year to Filing	Amount Preceding Year

Schedule D: Liabilities

Owner	Creditor	Date Incurred	Type	Amount of Liability
JT	BBT	2011	Loan for property for Marconi Drive Offices, LLC	$500,001 - $1,000,000
JT	BBT	2011	Taylor Commercial, Inc Credit Line	$15,001 - $50,000

Schedule E: Positions

None disclosed.

Schedule F: Agreements

None disclosed.

Schedule J: Compensation in Excess of $5,000 Paid by One Source

None disclosed.

Schedule A Asset Class Details

- Derek IRA (Owner: DC)
  Description: Derek's IRA
- Lauren's IRA (Owner: DC)
- Marjorie IRA
- Taylor's IRA (Owner: DC)
  Description: Taylor's IRA

Exclusions of Spouse, Dependent, or Trust Information

Trusts: Details regarding "Qualified Blind Trusts" approved by the Committee on Ethics and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or dependent child?

○ Yes ◉ No

Exemption: Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption?

○ Yes ◉ No

Certification and Signature

☑ I CERTIFY that the statements I have made on the attached Financial Disclosure Report are true, complete, and correct to the best of my knowledge and belief.

Digitally Signed: Mrs. Marjorie Taylor Mrs Greene , 05/14/2020

Bannon_ep1268

SUMMARY KEYWORDS

people, border, democrats, vote, gave, del rio, republicans, bill, peter navarro, budget, haiti, debt ceiling, government, fight, money, country, joe biden, biden, todd, haitians

SPEAKERS

Marjorie Taylor-Greene (MTG), Todd Bensman, VARIOUS VOICES, voice of Marjorie Taylor-Greene (MTG), Steve Bannon

VARIOUS VOICES 00:00

Well the virus has now killed more than 100 people in China and new cases have been confirmed around the world. -- You don't want to frighten the American public -- France and South Korea have also got evacuation plans -- But you need to prepare for and assume -- Following warning Americans to avoid all non essential travel to China --But this is gonna be a real serious problem -- France Australia, Canada, US Singapore, Cambodia, Vietnam the list goes on. -- Health officials are investigating more than 100 possible cases in the US -- Germany, a man has contracted the virus -- The epidemic is a demon. We cannot let this demon hide -- Japan where a bus driver had contracted the virus -- Coronavirus has killed more than 100 people there and infected more than 4500 -- We have to prepare for the worst always because if you don't and the worst happens... ----- War Room Pandemic. Here's your host Stephen K. Bannon.

voice of Marjorie Taylor-Greene (MTG) 01:08

Joe Biden abandoned Americans and Afghanistan got 13 of our best soldiers killed gave a kill list of Americans to the Taliban, an armed and Islamic terrorist nation with $83 billion in weapons like this one. Biden should be impeached. Now I'm doing a gun giveaway of my own. But for Americans only. I want you to win this 50 caliber rifle that Democrats will ban if they keep the house next year, while Joe Biden broke America's pledge to never leave a man behind. Nancy Pelosi is sneaking the green New Deal into the $3.5 trillion budget and in 2022, I'm going to blow away the Democrats socialist agenda. Go to the website below and sign up to win my 50 caliber gun before Joe Biden bans it.

Steve Bannon 02:20

Okay, welcome to the War Room Thursday evening. It's the 16th of September the year of our Lord 2021 Now with almost 90 million downloads of the podcast cursor live everywhere we're also simulcast in Mandarin and Japanese because of GTV and G news. Want to thank them we're also on this channel to 19 on cable satellite rumble Roku Pluto want to thank everybody also up on a podcast with 90 million downloads and live nationwide on John Frederick's radio network. That video we opened the morning show with it it was so good we actually invited the young starlet Marjorie Taylor Greene joins us in house and I got to make a correction. It was so powerful and so good for sobic sitting right there we both say hey that's one of those Arsenal things that have costed no cost like a million dollars to make and head tip to Benny Johnson and things like that. Now I hear that didn't take a million dollars to make.

Marjorie Taylor-Greene (MTG) 03:11

No not at all actually those were the great people that work on my campaign that

made that video and that's a hot gun Steve I gotta tell you people need to sign up for it green gun.com It is amazing. That gun you know I made that shot 350 yards, hit the Prius blew it to pieces we took the battery out because you don't Chinese batteries you don't want to Communist Chinese batteries the lithium batteries that go in electric vehicles we don't want to blow those two pieces because they're they would contaminate the the earth and no but shot at 350 yards. It was 109 pounds of Tannerite inside the Prius and blew

Steve Bannon 03:49

it to pieces one that's first take one shot.

Marjorie Taylor-Greene (MTG) 03:52

No It took me a couple of shots so yeah, 350 yards. Yeah,

Steve Bannon 03:56

so that's, that's a sniper like,

Marjorie Taylor-Greene (MTG) 03:59

yes, yes, yes. But the gun it doesn't hurt your shoulder

Steve Bannon 04:02

and we'll kick to it on that in the video.

Marjorie Taylor-Greene (MTG) 04:04

It has definitely has kick it is it's an amazing gun but it didn't hurt my shoulder at all. And I've shot a lot of

Steve Bannon 04:10

so many heckles in the hood to so many hechos green the green dot you know the whole there's so many heckles in this thing. How did you conceive it? Why do you want to give the gun away and it's for you? It's to make a point about the impeachment. Absolutely. And you are lonely voice in the wilderness two months ago when he first came in, he said, Hey, I'm gonna put the impeach Joe Biden people said oh, she this is her crazy thing. She's trying to raise money, everything like that. We're in a different place today. Yes. And that's Are you trying to take the game up by putting this video out? I want everybody in the live chat. excetera be a force multiplier. Push this thing out. Your friends will. They'll play it multiple times. But we had such tremendous feedback this morning. It was

Marjorie Taylor-Greene (MTG) 04:45

great. No, I'm really grateful to the guys that work on my campaign. Everyone that helped out no, but here's the deal. The point of that video is there's several points. Number one, we live in the United States of America, we are the luckiest people on the planet to have the great Second Amendment, we can buy a 50 caliber Barrett 50 Cal. And that's something that we can own as Americans. God bless America for that. And that is the exact type of gun that Joe Biden handed over to the Taliban gave a lottery billion dollars, oh, tons of guns and military equipment, gave it over to the Taliban, a terrorist nation, terrorist nation that wants to kill Americans. That's what they would love to do with our own weapons. And that's what he did. He gave it to him, abandoned Americans and caused 13 soldiers to get killed for nothing. And that's the point of reminder. And that's

why Joe Biden should be impeached. I have been saying it since January 20. I found the first articles of impeachment. I'm saying it now. And finally I'm starting to hear more of it inside my conference. It has to be done. The American people are demanding it. Republicans on the Hill need to catch up

Steve Bannon 05:54

your in your you had a bigger bill of indictment. I take it you're daring a little bit, particularly in Afghanistan. The other issue? Do you think he gave aid and comfort to the enemy?

Marjorie Taylor-Greene (MTG) 06:04

Absolutely. He gave aid and comfort to the enemy? Of course he did he armed a terrorist nation. That is treason. It is treason. 100%. And everybody knows it. And any Democrat that would vote to defend him? Well, we would have them defending treason. That's why I wanted on record. I would like to see it on record.

Steve Bannon 06:23

So much of the not just Trump movement. The Republican base is really saying with that in the poll numbers of Biden's are collapsing. Right. And there's two things number one that illegitimacy 42% of independents in The Economist poll, think he's illegitimate. And that's a proxy for the American people, because the Democrats, Republicans, so you know, on each side of that issue, they're the proxy. So you starting to get that question of as legitimacy as we continue to hammer the three November we got an up Pennsylvania's coming in. There's gonna be some results here from these court cases in Georgia. We get obviously Arizona has announced today, February, September 24, at 1pm. Arizona time, they're going to have a hearing Randy Rogers put up on Twitter today. So we're going to have a lot more on that tomorrow, about the the official report, but also his policies, he's starting to collapse across what with US invasion of the southern border handling of the military confronting China, that inflation is out of control. But are you seeing it's been notice really, except for a few lone voices, they're always the same voices. There's been a real lack of a course there with the senior leadership and other people in the in the Republican Party. Where do we stand with that, besides Freedom Caucus, and the guys who I know you're working with every day?

Marjorie Taylor-Greene (MTG) 07:34

Well, the way I see it is there's no plan. Okay, that is my problem. From day one. There's no plan in place. The only plan that is happening right now in our conference is raise money and take back the house in 2022. Well, my issue with that is we need to have a plan in place when we take back the House. And we should be fighting and legislating right now in the minority, exactly how we will do it in the majority because we need to prove to our voters that we're worth voting for that we're worth our salt, that we're able to defend their freedoms and defend America against this full on attack from the communist Democrats. And that's what I want to see happen. I come from the private world, I come from the business sector, where we set goals, we put plans in place and we accomplish them. This is what people do, you're held accountable, or we're held accountable. You know what we get fired. If our company does not provide the service or the product that we are guaranteeing to our customers, we get fired. And that's what people watching the show at home. Same thing for them. But that's not how it works in Washington. And that is my biggest issue. And it's broken. That's why I refuse to join they're swampy ways because the Republican and Democrat swampy ways have us right here to nearly $30 trillion in debt. Our border is wide open. We just we just aided gave aid and comfort to Afghanistan, Mark Milley, we found out that what did he do completely took over our government this is this man is unelected with everything

is so bad you hit the list can go on and on and on. And this place is broken. It's a failure, a complete failure. So I want to change it, we've got to change it, we have to fix it. That's the only way forward and the only way forward for us is America first.

Steve Bannon 09:15

You're saying number one, the Republicans don't know how to be an opposition because in opposition, you came on the show, the day that Biden took office and said, Hey, you just been up here a week or two says I'm gonna fight every one of these bills. I'm gonna slow it down. And I'm gonna make them read it. I'm gonna we're gonna go through the details. So the American people can know this. Right. And you were completely ostracized. They just want to voice vote and get them out of there. Oh, yeah. Let the Democrats win. Number one, do they know how to be an opposition to Republican Party in two? How can they be no plan to actually offer an alternative to what the Democrats propose?

Marjorie Taylor-Greene (MTG) 09:47

That I can't even answer that question because it's mind numbing to me. So the way

Steve Bannon 09:51

in other words when you came to Congress thought hey, they'll have this organized thing it'll be so detailed. I'm just some country girl that was a that was a construction ran a construction company. I don't know. But I'm sure they got a plan you gotta hear I know, no plan.

Marjorie Taylor-Greene (MTG) 10:02

This is Washington DC. This is the federal government. Hello, really? smart folks. Yeah, exactly. And then I find out that most of them are not qualified. I wouldn't hire them to work in my own company. That's the problem. And it's unfortunate to say that

Steve Bannon 10:15

this is one of the biggest things. I think this is one of the most important things you can tell America. This is all kabuki theater up here. There's no real plan. There's no real details. They're not going through these things. They don't have alternatives. They don't sit down, go, Look, we can do a much smarter budget. That doesn't raise the deficit. We've got alternatives. It's not like that. It's basically lobbyists coming pitching, pitching them to sponsor certain pieces of legislation to helps the lobbyists the companies and trade associations

Marjorie Taylor-Greene (MTG) 10:40

had special special project after special project bill after bill amendment after amendment suspension bill after suspension bill, before I started, roll, calling votes after I got kicked off a committee, that's the most important thing. I've been the most effective member of Congress, this session for starting this process on roll calling votes, completely changed the way we operated. Now, every single vote there's there's a recorded vote that explain to

Steve Bannon 11:05

the audience what that means, what they did before and what you did, the reasons they hate you and

Marjorie Taylor-Greene (MTG) 11:08

why they hate me. So when they kicked me off committees, I was like, thank God. So I went to figure out how does Congress work, I learned the procedure, I sat on the floor, and the first time I saw a bill being debated back and forth. And then they called for the vote. And there was like five Democrats on one side. And then there's five Republicans over here. And they voted by voice and I'm sitting there with my voting card in my hand, which goes into an electronic device. And that's how you record votes. But the Democrats said, Yay, over here. And then the Republicans over here said Nay, and then the person, I don't know who it was because they had a mask on and it wasn't Nancy Pelosi, sitting up there in the chair. She gavels it in and says the bill passes and I'm going what just happened? What? No, I didn't vote. There's there's 435 Members of Congress there. Nobody voted. How did this pass? And then a floor staffer told me Oh, man, this is how we always pass bills. Most of the time, it's by voice. I said, you have got to be kidding me. So that's when I started using floor procedure. And that was literally back in February of this year, when I after I lost my committees when there was Democrats and 11 Traitor Republicans that voted with the Democrats. Isn't that a shame. But that's what happened. And I started roll calling votes. And within a month, it was like a month or some four to six weeks time. The Freedom Caucus joined me. And they got on board. And we created a whole floor schedule where we all took turns, roll calling votes, putting Congress on record. They had to walk down there and vote all they were so mad at me, Steve, it was unbelievable. Nancy Pelosi was mad because it was screwing up their schedule, and they couldn't get as many suspension bills through and they couldn't ran them through as fast as possible. Then the Republicans were upset because it was inconvenient. And they actually had to walk down there and leave their lunches or fundraising calls or whatever it was. And it was the

Steve Bannon 13:00

first thing to do a job of a congressman, which is to vote Yeah,

Marjorie Taylor-Greene (MTG) 13:02

is to vote. Imagine that. But then I got chewed out. And I was told, and it wasn't by the Democrats. It was a Republican that told me, Marjorie, people do not want to be on record. Amen. And that is when I doubled down

Steve Bannon 13:18

Was that was that a big revelation when they said that?

Marjorie Taylor-Greene (MTG) 13:22

Oh, that that was? Let me tell you. That's when I said, Oh, you you challenge the wrong girl. I told him, I said, there is no amount of words you can say to me right now that will stop me from doing this. As a matter of fact, I've committed to making sure that I will make all of you be on record, because they should be.

Steve Bannon 13:41

Isn't this why we need more people running small businesses more just average citizens. You don't need to have a PhD from Harvard to be up here to do this job. You got to be a fighter and have common sense.

Marjorie Taylor-Greene (MTG) 13:51

Yeah. Well, I don't know. I haven't met anybody that I think is smart enough when I

don't really care about PhDs from Harvard very much. But no, we need people that aren't that aren't worried about the title, that it's not just another something on their shelf to make them look special and good. And they're not going to aurait and say fancy speeches and get Pat's on the back and get congressmen, Congresswoman, no, none of that these people have screwed up our country. They're screwing up our country, they're screwing up our children's future. I don't care if they're Republican or Democrat. It's all failing, failing. We're nearly $30 trillion in debt. And the problems go on and on and on. And we're on the verge of socialism. As a matter of fact, we're already pretty much a socialist country and a lot of ways. Okay, we

Steve Bannon 14:35

saw socialism taking care of about the 50 Cow right there in that that opening spot a magnificent gate. We're gonna come back short commercial break, Congressman green, we're gonna talk about the mess on the debt ceiling, the continuing resolution, the budget or the trains of dollars, they want to spend drafting our daughters in the NDAA and then also we're gonna get to milli all that next in the world. Great. Okay, Joe Biden Knutsen tonight is announcing a $1.9 trillion plan for the American family that's on top of the $1.9 trillion for infrastructure on top of the $1.9 trillion for the covert release bill, on top of the $5.2 trillion in federal spending for this year. What does it add up to? I don't know, $10 trillion, maybe I'm rounding up by a couple of 100 billion. The point is that the Biden administration and Wall Street is on a collision course to destroy the US dollar. Now what are you going to do about it, one thing you got to do is start thinking about alternative investments. Starting with precious metals. What you need to do is talk to the people at Birch Gold today they have an A plus rating by the Better Business Bureau go to Birch Gold date here to here's how you do it. Type in the following text band at ba n n o n to the following number 484848. That is text ban and ba n n o n to the following number 484848. You get access to a 20 page brochure that walks through everything you need to know about investing in gold and precious metals. Okay, do it today go to Birch Gold. What we do know is that we're in uncharted territories with modern monetary theory. Let me give you old school theory, gold and silver, go to Birch Gold today, do it.

VARIOUS VOICES 16:18

War Room Pandemic with Stephen K. Bannon. epidemic is a demon. And we can't let this demon hide War Room Pandemic. Here's your host, Stephen K. Bannon.

VARIOUS VOICES 16:35

They voted against that. And so she is having a critical time getting the necessary votes for the $3.5 trillion bill that's moving through the house that is related to the debt limit fight that is related to the Appropriations fight. And we just got to be able to keep our eye on all of the different balls, because the Republicans are going to be looking for opportunities to flake out themselves. I already saw some of this in the news yesterday with different senators saying, hey, we'll just let let the Democrats passed the debt limit by unanimous consent. That's crazy. You have leverage. McConnell is attempting to use the leverage because of the impact of this program and others across this country. And it's incumbent on the Democrats to figure out how they're going to get the necessary votes for their agenda. And Republicans need to use every leverage at their disposal, including the filibuster to derail it.

Steve Bannon 17:24

Okay, we had Russ vote on this morning. This is the most of everything is going to town, there's a lot of pro wrestling going on and what constant Green says they're

always trying to do the misdirection play. Let's leave the spiritual warfare just off the side for a second because we understand it's a spiritual war, we got that part, the larger context of this. But to get down into the nitty gritty of murmur, because you hear so much time on Earth, and you're using your human agency, right? To have divine providence work through. So I'm gonna get down to the gritty, this town's about two things, money and power. It's nothing about money and power, and they're inextricably linked. It's unique that we've got an opportunity, and you have a member, this audience is the deciding vote. That's why Mitch McConnell came out today and said, Hey, we're not going past the debt ceiling. On the 30th of September at midnight, the federal government's budget ends and they have to have money appropriate for next year or nothing happens, the government shuts down, they shut it down because they're in charge. Then, by the grace of divine providence on the 15th of October, the entire federal government is out of money unless their ability that lets say the ability to borrow, and that borrowing from us not from the Chinese and not from the Japanese, they can't sell any more bonds. The tax revenue is not enough. The gap here is so huge. And that's before. That's before the $1.25 trillion infrastructure bill. That's not infrastructure. That's before the $3.5 trillion new human infrastructure bill. Right. That's before all of it. They need the debt ceiling. Firstly, they gotta get a bill and they got to do this continuing resolution in the car. We already saw that they leaked out the other day, guess what surprise, surprise and the fine print 65,000 Afghan refugees unvetted in their $6 billion now to continue resolution. If the American people in the in the movement back, the Marjorie Taylor Greene of the world, we can bring this all crashing down right now we can have an we can have an adult conversation about where this country is headed. Because with all the stuff you see run around on Fox or anything like that, if they pass the 1.2 5 trillion if they pass the 3.5 trillion, if they get relief from the deaths. And if they pass these annual budgets that are $5.2 trillion. Now, the scale of that money radically transforms the United States of America. So constant green, that's what I want to have you over here in studio today. Please tell me, please tell me Kevin McCarthy, and they're sitting there every day and they've got all kinds of analysis and all kinds of plans and all kinds of strategies and tactics about how we're not going to have continued resolution. We're not going to kick the can down the road, but we're going to stop the out of control Wall Street, corporations Democrats from trying to transform this country with, I don't know, 6789 $10 trillion of real spending that they're going to try to get approved the next couple weeks. Please tell us that.

Marjorie Taylor-Greene (MTG) 20:11

I haven't heard a plan yet. But I'll tell you what I have to say, Steve, shut it down. shut the government down. Who cares? These people, you can't trust them with your money. You cannot trust them with your money. They don't deserve your money. They don't deserve to be able to spend your money 1.2 trillion in infrastructure socialism? No, thank

Steve Bannon 20:31

you construction worker, your construction for a CEO of that 1.25 train on the on the real on what they say is the good infrastructure plan had 19 collaborators in the Senate support it,

Marjorie Taylor-Greene (MTG) 20:42

yeah, shame on them. Shame on how much is that as real infrastructure in your mind less than less than 500 billion. And then it has all these woke little attachments to it like it has to be a woman on company, or it has to have so many LGBTQ people in the company, you have to meet all the criteria, the woke criteria that the Democrats have in there, in order to get the contracts to do the infrastructure deals. This is all a lie, ladies and gentlemen, they don't deserve your money, shut

the government down, guess what the American people can get it done at home without the government, I say put up a fight shut it now. And we shouldn't be spending in

Steve Bannon 21:14

the next two weeks. They're gonna say besides the cars remember the 1.25 of the 3.5. That's just additional. That's additional, we have a $5.2 trillion budget every year 3.5 trillion and transfer payments about a bit trading five to trade and seven in discretionary with the trainer that being the military budget really trained, not 800 million, but they're going to come up in a couple of weeks or 10 days and say, You know what? The government shutdown so we need a continuing resolution to kick the can two months down the road and the car is going to have jammed in there Afghan refugees, Amnesty all that. That's all right. So what are the Republicans as you see him in the house going to do because right now, there's tons of these Democrats in the swing district understand they start voting for this stuff. They're gonna get rejected. The Rio Grande Valley, the three Hispanic gentleman there, they're the ones who are the biggest opposition right now because they understand South Texas and working class US banks that hey, guess what? Yeah, I don't see it. I see an open border. I see guys disease invasion. They're driving my wages down. They're flooding the hospitals, the flooding schools and these Hispanics, 85% counties. I want to

Marjorie Taylor-Greene (MTG) 22:18

Yeah, I'm sorry. If my company was having to go based on a loan every single year for a budget, then we would be out of business. We would be bankrupt. This this business up here. The federal government is failing, completely failing. It has your borders wide open. It has illegals flooding flooding the border and they're not down there giving everybody a shot coming through. No, they are not but they're mandating vaccines for you at home for for you to go to work for your kids to go to school, college campuses, sports for you to go to a concert for you go to restaurants, you got to carry your little, your little card around and prove that you've taken your government mandated COVID vaccine while they're allowing over 200,000 illegals come across the border every single day. And then they're going to try to convince the American people and they're going to put sob stories up on the news every single night of what's going to happen. If we don't pass the budget and increase the debt ceiling. I'm sorry, I don't buy it anymore. I have no problem being a Republican with a spine and fighting it here in Congress and saying no, we are not going to play ball and Mitch McConnell needs to step up to the plate. And we need our conference to step up to the plate and show these communist Democrats we mean business and we are not going to hold hands across the aisle with your communist agenda and your woke agenda and your socialism and your social spending and all of this garbage that is drowning America, it's time to stand up against it. I don't care if we're in the minority it shouldn't matter we're only down by a few votes everybody we should stand up there's there are Democrats that are going to lose their seats and we should force it to happen by fighting back and that's what we need to do give our Republican voters a reason to vote for us in 2022

Steve Bannon 23:55

Do you think the Pete when he talks about the people back home and the deplorables Do you think they have your back on this one they've heard enough nonsense and now they're gonna have here's they tried to they tried to make it so complicated. It's not that complicated on September 30 at midnight if you don't have a new budget Guess what? There's no money for the government and now because the debt ceilings if they can't borrow any more so on October 15, the government's out of money they basically credit cards tapped out you know, had this is in your life, you've tapped your credit card out, okay? Here it because they can't sell the bonds, they can't raise taxes. The full pretty money is actually on the people's shoulders. That's

the full faith and credit they never tell people that say oh, we're just gonna we're gonna have the Treasury issued the bonds and the Federal Reserve's all this fancy mumbo jumbo. It's on your

Marjorie Taylor-Greene (MTG) 24:40

back. That's right. It's on your back. But let me tell you about the friends and family program that happens when the government shuts down the little contracts that are all in place with all these people in power, the friends and family deal. This is how it works, you know, members of Congress, senators who have friends, family members that have nonprofits and organizations that are set up that way receive all these federal contracts. Well guess who starts calling, they start calling Hey, you gotta get this going, my contracts not going to go through I got to get my ads, right I gotta make payroll. I'm not going to get the check and think about this. These people are going to be calling and pressuring people like me to get this passed this budget you got to pass the budget I've donated to you, I've made sure that you've kept your seat I have fought for you. I need this contract. I gotta pay my employees it's your tax dollars that is paying all these people it's your tax dollars that is allowing this to go and these are the people they're gonna be calling demanding, demanding for the budget to be passed and the cap to be raised on the

Steve Bannon 25:41

debt ceiling they're gonna sit there and go you've got Marjorie Taylor Greene from a construction company in North Georgia didn't know anything about Wall Street anything but capital markets. She's gonna know it but she's gonna jeopardize in the people that back her. These people that breathe through the mouse, they're going to jeopardize the global capital markets, the US the credit rating of the US, right they're going to default and security stock market is going to implode but bond market is going to implode. They're gonna say they're gonna say she is going to bring down and her people the worst people on earth these evangelical Christians won't get vaccinated the worst people on earth as CNN sells an MSNBC every night realize though, they're gonna bring down the global capital markets what say you?

Marjorie Taylor-Greene (MTG) 26:17

Well, here's what I have to say when there's a solid base to accompany. There's nothing that can stop it. We have an empty base, we are sitting, we are teetering. We're like a sinking ship or the Titanic. Or we're sitting up on the top deck, ladies and gentlemen, the band is playing their music. The waiters are serving their food and the people are dancing and the ship is sinking. This is an economy on the verge of collapsing. We have over 50,000 trucks sitting in Kentucky waiting on microchips, cars and trucks that can't be sold because they're waiting on China to send microchips you've got appliances that can't be sold can't be made, because we're waiting on those rare earth mineral microchips. And then we've got a government that wants to put you force you on to electric vehicles. We're an economy about to collapse, we found out we should have learned the greatest lesson from COVID-19 that we cannot reply, or we cannot rely on China for our medical supply chain. And that's where most of our medicines are made. Life Saving medicines. We don't make them at home. They're made in China. We are an economy about to collapse. We have nurses, health care workers, doctors quitting their jobs, because they've said I've had COVID I took care of the COVID patients. I don't want the vaccine of natural mean, I have natural immunity.

Steve Bannon 27:30

Israelis tell me it's 20 times more powerful than a vaccine.

Marjorie Taylor-Greene (MTG) 27:32

Exactly. It is natural immunity. It's a good thing. It's immunity. They're quitting their jobs. And we're already in a shortage of healthcare workers and nurses, truck drivers. We are in a terrible over 100,000 truck drivers, we need them. That's how loud we are. We need that they're going to quit their job because they don't want to be forced to take a vaccine just to drive there. They're what they're carrying.

Steve Bannon 27:54

We're going to be talking to chips and we're gonna be talking about China, the CCP and General Milley his conversations on October 20th. That someone to watch also we're going to go to the border we're gonna get a live report and we're going to have Congressman Marjorie Taylor Greene respond to what's happening at the US border, how ties to the budget, and what she would do about it on next in the War Room.

VARIOUS VOICES 28:18

Pandemic with Stephen K. Bannon. epidemic is a demon and we can't let this demon hide War Room Pandemic. Here's your host Stephen K. Bannon.

Steve Bannon 28:32

My pillow.com Go there right now promo code War Room support the armor piercing shell that is Michael and Dell the great American manufacturing up there in the great state of Minnesota Of course Of War Room apparatus towels a total we get to sell back. Six pack of towels and these are the best house ever made. Normally 109 99 Now 3999 This sales not gonna last forever. I told you that last time people didn't believe me. They had a month off and now we've got him back. He's got the inventory up there. Gotta hit the bid. Okay. Plus you get the Giza sheets. You got the toppers. You got the Bible pillows for the kids you got pillows. Go to our squirt, just go to my pillow.com promo code word and see all the sales. Okay, I got a bunch of other stuff I gotta get through but I got to get Todd Bensman We got so much jammed up. Marjorie Taylor Greene is on a roll that analogy to the to the to the Titanic. That is that is poetic. You can pretty good at this. But you know somebody said the other day or why she has committees. I said listen, you don't understand AOC has changed the country and I don't care if you hate AOC they don't like her dresser. That $3.5 trillion is understand this that $3.5 trillion is because every night she was doing the civil as she's not some committee marking a bill. She's up there that putting the iPad up there and doing a civics lessons while she's cooking her dinner. We said this years ago I said I want more. I don't like her politics. I want more AOCs I want more bartenders that know how to communicate to people. The 3.5 trillion is her deal. That's right. It's her deal. So people sit there go Marjorie Taylor Greene should be in the market. I'm thinking When she told me what she should do, she's had such an impact. Because she's like a rover back, right in there, boom, you see her boom, boom, focus on the big things, not that you guys shouldn't be in there fighting. But listen, here's the reality, when you're in a minority right now, they don't care. That's just the stuff wrong. You may have, you may try to do a markup, you may get some stuff on the margins, but it's not the big stuff. AOC got the 3.5 trend. That's her arc. The architectonic of that is 100% hers. That's she cause why she went around and sold it. She went online for the kids and did the civics lessons every night, she was out everywhere in the media. Boom, that's it. That's Marjorie Taylor greens, the opposite. And that's one of the reasons you've had such a big impact. Let's go to Todd Bensman on the border because I gotta get Congressman green in here. Todd people's heads are exploding, give us the August numbers that have come in across the border. And then I got to talk to you about the Afghan situation in the in the ethnicity in the car tucked in the CRS 65,000 Afghans, and we, by the way, we fully

support people that worked with us, fought with us, support us, but they gotta be vetted, and they get as far as Qatar, and Kuwait. In Iraq, we got plenty of bases over that $1 trillion budget and plenty of bases over there. But you don't get the golden lottery ticket to Wisconsin, you don't get the golden lottery ticket to to Texas. So Todd Bensman gets up to date on the border.

Todd Bensman 31:22

So I'm talking to you from my hotel room in Del Rio, Texas, which is the newest latest flashpoint in the border crisis. 9500 immigrants are sitting up under the bridge, the International Bridge, just a few miles from the hotel, I just came back from there and saw it, that those are going to be mostly Haitians, there are 1000s More coming behind them. So start paying attention to Del Rio, Texas. The AUG Namo, hahahahaha. Whoa, hang on, whoa, whoa, whoa, whoa, whoa,

Steve Bannon 31:55

we've been all over Del Rio, Texas because of you. You said hey, you guys started looking at these cities where you went down, we've been down there for months with you and the others and went down to Del Rio is going to be an explosion point. I just want to make sure everything the artists understand this. There's 9500 Haitians underneath a bridge. When we come across,

Todd Bensman 32:13

mostly Haitians, let me let me give you some context here. Usually, we'll have 100 200, the most I've ever heard of was 700 came in all at once. Within a four day period of five day period, we went to 2000. Under that bridge, to 4000 to 6000. Yesterday to 9500. Today, it is absolutely exponentially exploding down there. I just took that picture about an hour ago. That's about as close as I could get. And there are many more coming behind them. And here's the issue with that. This is really unusual, we haven't had that kind of number under this bridge, there aren't enough people have gardam that the

Steve Bannon 32:59

turn around, I want to I want to, I want to make sure we're all talking about something. But by the way, the Treasury in Haiti is unbelievable. It's a biblical, and there's things we can do and must do. But this is the point. A solution to this is not just to have people cross the bridge and coming to Del Rio, Texas with the working class Hispanics, and then go into the seeds of the working class blacks. This is not a solution. This is just making the people at the lowest part of our scale right now bear the burden of it in the taxpayers in Texas, the United States. This is what is not a solution. And having open borders is what attracts these poor folks to come across and get across into Central America any way they can, either by boat airplane, or I don't know, kayak, right? They're just, I gotta get out of Haiti, and I gotta get here. And then because I can't come through the legal way, because they're not going to take out a political prisoner. Go ahead, sir. Yes, Steve,

Todd Bensman 33:50

I have to I have to interject there. These nations that are seeing are not coming from Haiti. They haven't lived in Haiti in years and years. They've been living, comfortable, secure, economically prosperous lives in Chile. For half a decade and Brazil, I have yet to meet a single Haitian who's actually coming from Haiti. So let me just get that out there. And they're going to be claiming TPS, temporary protective status here, they're probably rushing in right now, to take advantage of the extension as though they were fleeing an earthquake or a political

assassination in Puerto Prince. They're not these people are coming now because they heard the door was open, and they're going to come through it. And they're going to claim asylum as though they're coming directly from Haiti. Everybody should know that I have not met a single Haitian up and down the trail all the way to Panama, who actually came from Haiti directly to here with

Steve Bannon 34:47

Congressman green thoughts, observations.

Marjorie Taylor-Greene (MTG) 34:50

My thoughts are this is if there is no emergency there's no civil war. There is no crisis like the real crisis is in Haiti, where they've had earthquakes and I'm still asking question Hands on how much money the Clinton Foundation gave to Haiti and help those people out and how much they stole. They stole That's right. And none of it went to help the poor people in Haiti and they need the help. But here's here's my question is this if these people are not wealthy, but they're they're financially capable, clearly it cost them money to get from the countries, they came from all the way up through Mexico. I mean, they had to pay for bus rides, they had to pay for a lot. They had to pay for food along the way, they had to pay for people to help them and they're coming all the way up to the border. And I'm sure that cost, at least probably anywhere from 10 to $15,000 per person would be my guess and estimate. That's a lot of money. So why couldn't they stay in the countries they're staying in? Why are they coming up to our border? And then they're, they're claiming some sort of privilege that they need to be let in America as if there's something terrible happening, where they're from when it's not, and everyone knows it's not so Todd,

Steve Bannon 35:55

had they been processed now? Is this why there's the backup or how they've been processed?

Todd Bensman 36:00

Right now, this group, I'm not sure how, but typically, they will fingerprint them take pictures, take their possessions and bag them, tag them, bring them to a border patrol processing station and give them their legal documents, usually a personal recognizance release to an order to a request, it's an honor system to show up at the Indiana office of ice or wherever they go.

Steve Bannon 36:29

Well make sure I already make sure our incident stances they give you a call in number and under on your own cognizance, they make a decision right there. And under now, you gotta check in. And they're not they're not showing

Todd Bensman 36:41

up, of course,

Steve Bannon 36:42

not showing up because the rash, the rational people that go hey, I'm inside. I don't think it would show up. I show up. It's an I lost the number. I was gonna call but I lost the number. Right. Todd, talk to us about August numbers in on the border itself. Talk to us about what's happened. As we continue to get to the $2 million 2 million person number

Todd Bensman 37:02

this year. August numbers came in at just short of 209,000 for the month of August. That's a slight decline from the July number of 20 of 212,000. Not counting God aways. That's another 50,000 for both of those months. Now, keep in mind that the August of 2020, there were about 50,000 that came in the August of 2019. About 47,000. The August of 2018, somewhere in the low 50s. So if we're looking at 208,000, compared to all August, stretching back into history, we are in historic, truly historic territory doesn't hold it, hold

Steve Bannon 37:51

it hold it. You basically said it could say of 2017 and that you can take the entire Trump administration. And it's less than August than it then what happened in one in the August of Biden? Yeah, first year is more than all four years of the Trump administration. Okay. And it's not just the COVID year we're kind of going back and counting. Counting 1918 And I just don't want 17 at the top I'm

Marjorie Taylor-Greene (MTG) 38:15

sorry, I'm moratorium, we need to stop this we need to close our border. We need a moratorium the Republicans on this. know everybody just complains. We have action, we need to close our border. These people are bringing in diseases all we hear about as COVID-19 Our lives have been drastically changed over COVID-19. And here we're being flooded and invaded with people that we're not even keeping track of. We don't know where they're going. There's an honor system. I'm sure they're honorable. These are nice people. Listen,

Steve Bannon 38:45

they could be very honorable, but I'm sure Hey, get out of jail card. I'm out of here. All right. I lost the number I want to call that lost the number now talk to us. How bad is the situation now the board before we go to Afghanistan? How bad is the situation on the border right now? Todd? Bensman.

Todd Bensman 38:59

I mean, just by the numbers. It's the worst that I think I've I've ever seen. Really, I mean, we're looking at 1.5 million already. We have another month to go. If we're looking at a couple 100,000 A month we're looking at 1.7 million for the fiscal year since about the election just about before the election. So imagine, you know, a city the size of you know, Austin, Texas, or that's a tremendous number of people that were encountered. Not all of them got in Oh,

Steve Bannon 39:35

hang on. I want to go back to the rule of thumb because you said 50,000 getaways. I've been new at CIS, which is the best of the best. I was always taught. I was always told that a rule of thumb is 1.1 times two, maybe three times are the ones that actually get get by that are not even not even not captured, but it's somehow taken into custody. that that number is really not 50,000 They get away that's the ones that Record is the getaways but the real getaway number is some kid losing let's try to rebooting to go and rebooting dots comments observations close

Marjorie Taylor-Greene (MTG) 40:12

the border we can't we're a dumpster fire. Oh here here we are with 1.5 million people just flooding across disappearing we don't know where they go. We don't know

what they do we don't know how much drugs they bring in. We don't know how many how much

Steve Bannon 40:24

is this? I know that but the business interest want this reason happens business labor, the Democrats want that want that want the votes but the business interests want the cheap labor. They want to suppress it. They want to take those construction jobs, the agriculture jobs, the food processing jobs and they want to flood the zone they're

Marjorie Taylor-Greene (MTG) 40:41

crushing our economy they want $15 minimum wage which is creating innovation innovation where companies are coming up with ways to replace people where you're going to order you order from a machine machines are replacing people because $15 minimum wage cost the company way more than we're flooding all these illegals in to do labor jobs where we where we have plenty of people here to do labor jobs, but we've been paying them to stay home. We're telling kids to go to college and they get in 100,000 $200,000 in college loan debt which is ridiculous. When you want to know something Steve, we need linemen. We have a great school in my district. We need linemen we need these are heroes they're first responders that get your power back on in a crisis and provide power and internet.

Steve Bannon 41:23

My father started off as a lineman at the phone company good. He's the heroes 120

Marjorie Taylor-Greene (MTG) 41:28

truck drivers and when he

Steve Bannon 41:30

patrols, short commercial break, by the way, let's get Nevarez book up here. When we started the other day, the book was 270,000 on the Amazon list, it went to number 71 and went to number 50 went to number 16 as we're talking right now think it's number eight. I need everybody to power into that book. This is the real story of Tony Fauci versus the Trump White House Doctor Peter Navarro in Trump time, my journal of the plague year okay and it is a page turner and there's a revelation on every page it's out on the anniversary of the big steel November 3, but you can pre order now on Amazon this policy has ultimate muscle make this book number one on all Amazon's number eight right now we're gonna be back in a moment. Going to go back to the border and to Congressman MTG

VARIOUS VOICES 42:17

monitors us censors us D platforms us conservatives have been helpless to do anything about it. Until now. Join Gettr The social media platform that supports free speech and opposes canceled culture on Gettr. You can express your political beliefs without fear of Silicon Valley liberals coming after you. Gettr is led by former Trump advisor and War Room co host Jason Miller, who saw what big tech did to President Trump and decided to fight back. Gettr is the fastest growing social media platform in history with 2 million users including prominent conservatives like Mike Pompeo, Marjorie Taylor Greene and Steve Bannon. Join Gettr It's in the app store, the Google Play Store and@gettr.com longer posts, longer videos, sharper and clearer pictures. And unlike the Silicon Valley oligarchs Gettr will never sell your data. Send a message today, join Gettr It's time to cancel canceled culture.

Steve Bannon 43:16

Okay, I'm here with one of the superstars Gettr Marjorie Taylor Greene and we'll go back to Del Rio. Tell us about tell us a Todd Bensman from CIS and Immigration Studies, the best of the best. Todd tells about this press conference where Joe Biden were the representative of the federal government there the crisis at the border with what 9500 Haitians at a bridge that want to come into the United States. There's a crisis of this great little town Del Rio, Texas, where any government officials from the federal government that have caused this were they there the press conference of Todd Bensman.

Todd Bensman 43:47

No, the press event that I attended, was put on by the municipality, the city of Del Rio, with the Val Verde County Sheriff there and the mayor of Del Rio spoke about a federal immigration problem right behind him, and so did the county sheriff. And there was no DHS presence there. Nor was there any plan for there to be DHS presence there or to have any kind of a similar press conference. And by the way, the New York Times was there at this thing and the Washington Post is there. This 9500 Haitians under the bridge at Del Rio is a big deal. It really is emblematic of something big that's happening on this part of the border. That is going to be here for weeks and weeks. They're saying at the press conference that it's going to take three weeks before even the the last ones that came in today we'll be able to process out it's a dangerous situation because there are very few federal officers or even state police to guard that number of people. They're hungry. They're thirsty. They're uncomfortable, there aren't enough porta potties. And over the course of weeks, we've seen groups like this break out, break through perimeter fences and just spill into the neighborhood communities. That's what they're worried is

Steve Bannon 45:14

this, this is your country. Ladies and gentlemen, this is what Joe Biden has done to humanity. We're gonna get on tomorrow about Afghanistan, just before we go, and you're gonna be back tomorrow in Del Rio on the show live in the morning. I just wanna make sure everybody understands this. The math that works, the 200,000 that were basically apprehended or kind of turned themselves in. The rule of thumb is one to one to two to one that get away not it's not a fraction of it's a multiple of I just want to make sure I've stated it correctly. Todd, and what's the current situation with that with people that get around the border patrol and get around ice and actually get into the country?

Todd Bensman 45:46

Yeah, normally, they call that getaway that's an actually government, not nomenclature, that there are people that just get through and never get caught? Well, that's about 50,000 a month that they were counting. But with the border in this kind of chaotic disarray. My guess is that it's five times six times seven times that there's absolutely no telling how large the number is. But it is far more than 50,000. Any Border Patrol agent will tell you that any ice person, anybody who knows anything about the border, will tell you that right now, the Gazaway numbers are far, far higher than the what's being reported.

Steve Bannon 46:24

Todd, what's your social media? we've got to bounce how do people follow you?

Todd Bensman 46:29

You can follow all of my reporting down here at C i s.org. Center for Immigration Studies. We have a Twitter account, we have also just our website, and LinkedIn. And also me is Bensman. Todd on Twitter, and I just opened a Gettr account. T Bensman. At Gettr have helped me get some some followers on that thing. Good. Okay,

Steve Bannon 46:53

fine. We're going to do that. Todd Bensman. Thank you very much. Marjorie Taylor Greene, you're a member of Congress for the great state of Georgia. What is your thoughts, analysis of our government? Remember, this is a representation of you in the audience of the American government on the border what they are causing a humanitarian crisis of biblical proportions, ma'am. Yeah, it's

Marjorie Taylor-Greene (MTG) 47:11

very sad. And it's the Democrats fault. It's in our entire government's fault. I'm thinking about there's 19,000 Border Patrol agents in our country only 19,000 New York City has 35,000 police officers, ladies and gentlemen 35,000 for New York City, our entire country, northern southern both oceans only 19,000. Our border patrol agents cannot do this. You're you're witnessing the drastic change the landscape of America. And it shouldn't be anything about skin color or ethnicity, or what language they speak. You are witnessing a complete change to our nation. It will affect our economy. It will affect your children's schools. It will affect your town where you live in it will affect where your tax dollars go these are real people. They are going to come in our country we've already got so many homeless people in our cities rotting away on meth and terrible drugs. But now we have a complete invasion happening every single day at our border and our government is going to want you to pay for it it needs to be stopped our border needs to be closed there needs to be an immigration moratorium stop it now and we need to get it under control.

Steve Bannon 48:16

Okay, we could go through all the problems we don't have time we'll get you back in but people want to know how they have your back so walk through how to get to you what's your plan we're now the next three or four weeks are going to be some of the most intense in American modern American politics as they try to jam through the spending bills and how do people get to you how they follow you and how they support you

Marjorie Taylor-Greene (MTG) 48:35

you can support me at MTG for america.com MTG for america.com I do not take lobbyist money PAC money. I do not take that I live I've survived on small dollar donations. That's how I protect myself from all the attacks lawsuits and the Democrats trying to take me out. Oh and Republicans two primary season is coming so you watch it happen if you want to win my gun a Barrett 50 Cal go to green gun.com and sign up that gun is so hot. Oh is amazing. I want to I want you to have it. It's incredible. So thank you all for your support. Honestly,

Steve Bannon 49:11

thank you social media. How do people get to you?

Marjorie Taylor-Greene (MTG) 49:14

Gettr I'm on I'm on Gettr at real Marjorie Taylor Greene I am on Twitter Mt. Green E to ease on and I'm on Facebook I'm on telegram make sure it's my verified account people have created all kinds of crazy accounts and no I'm not giving away gold

coins. Okay.

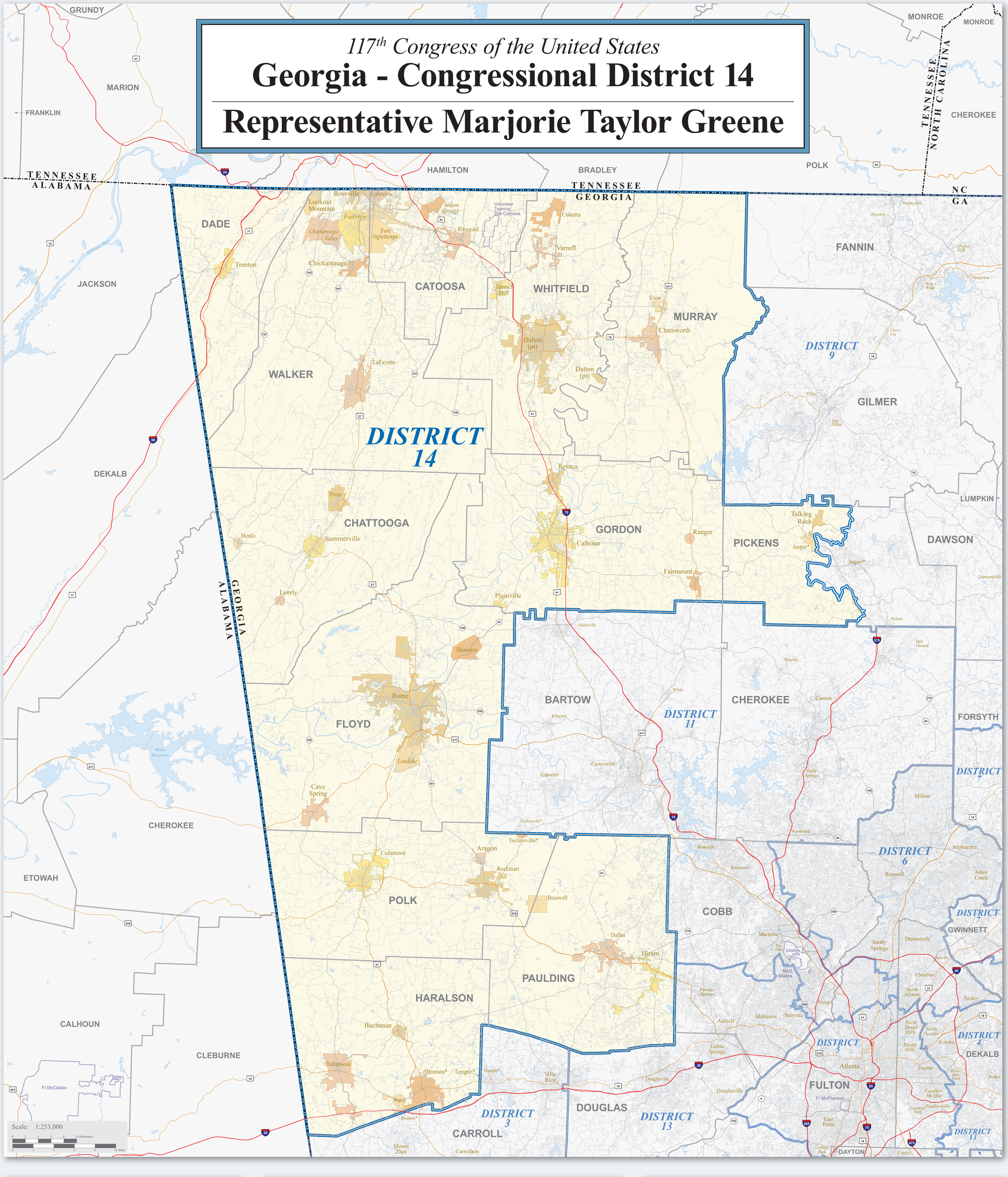
Steve Bannon 49:30

Peter Navarro book in Trump time go to Amazon right now we need this posse to pile into your this book. So a patient you're going to get multiple copies out for Christmas. It is going to explode over the battlefield here as Peter Navarro tells the truth the Journal of the plague here from Peter Navarro all seasons press it's up on Amazon right now Carson green thank you so much. You're always the audience always loves the you tell it like it is You speak very common sense on these complex problems and people and understand how we can get through this. We gotta get through this by fighting she He's a fighter and anybody's opposed her wants to moderate what she says she ain't gonna do it okay she's pure honey badger tomorrow morning 10 o'clock Steve Moore in the debt ceiling we're gonna go back to Del Rio Texas we're going an explosive show to Mr Eric Greitens General Flynn everybody here in the War Room

117th Congress of the United States

Georgia - Congressional District 14

Representative Marjorie Taylor Greene



Map Legend

- DISTRICT 14 — Georgia Congressional District 14
- DISTRICT 2 — Other Georgia Congressional District
- Poarch Creek — American Indian Reservation / Off-Reservation Trust Land (Federal)†
- Pamunkey — American Indian Reservation (State)†
- KANSAS / OKLAHOMA — State or Statistically Equivalent Entity
- ERIE — County or Statistically Equivalent Entity
- Collinsville — Incorporated Place (Inside of Congressional District 14)†
- Turley — Census Designated Place (CDP) (Inside of Congressional District 14)†
- Chelsea — Incorporated Place (Outside of Congressional District 14)†
- Justice — Census Designated Place (Outside of Congressional District 14)†
- Fort Belvoir — Military Installation
- Bristol Hbr — Water Body
- 44 — Interstate
- 56 — U.S. Highway
- 32 — State Highway or State Recognized Road
- Walton St — Other Road or Ferry

†Labels for entities located both inside and outside of Congressional District 14 include a '*'.

Congressional districts are those in effect for the 117th Congress of the United States (January 2021-2023); all other legal boundaries and names are as of January 1, 2010. The boundaries shown on this map are for Census Bureau statistical data collection and tabulation purposes only; their depiction and designation for statistical purposes does not constitute a determination of jurisdictional authority or rights of ownership or entitlement.

Source: U.S. Census Bureau's MAF/TIGER database (TAB10)
Projection: State-based Albers Equal Area

Congressional District 14 Profile

Population

Total Population:	704,108
Age - Under 5:	*5.9%*
Age - 5 to 19:	*21.8%*
Age - 20 to 24:	*6.6%*
Age - 25 to 34:	*12.5%*
Age - 35 to 44:	*13.2%*
Age - 45 to 54:	*14.1%*
Age - 55 to 64:	*12.0%*
Age - 65+:	*14.0%*
Median Age:	37.4
Percent Male:	49.0%
Percent Female:	51.0%
Veterans 18 years and older:	41,248

Housing

Total Housing Units:	280,005
Percent Occupied:	88.9%
Owner Occupied:	*68.6%*
Renter Occupied:	*31.4%*
Percent Vacant:	11.1%

Occupied: Owner / Renter — Vacant
U.S. Split: 63.0% | 37.0%

Race & Hispanic Origin

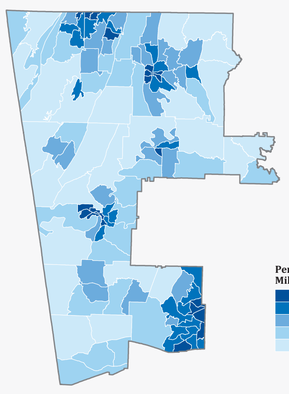
One Race	
White:	*84.2%*
Black or African American:	*8.6%*
American Indian and Alaska Native:	*0.2%*
Asian:	*1.3%*
Native Hawaiian and Other Pacific Islander:	*0.0%*
Some Other Race:	*3.3%*
Two or More Races:	2.3%

Hispanic or Latino (of any race): **11.3%**

Population Density

Persons per square mile

United States:	91.0
Georgia:	177.4
District 14:	194.3



Map Source: 2011-2015 American Community Survey 5-Year Estimates
Note: Only the portions of the census tracts within the congressional district are shown for tracts that extend beyond the boundary of the district.

Data Source: 2015 American Community Survey 1-Year Estimates
Note: Figures may not add to 100% due to rounding.

Data are based on a sample and are subject to sampling variability. Percentages may not be statistically different when compared to U.S. percentage.

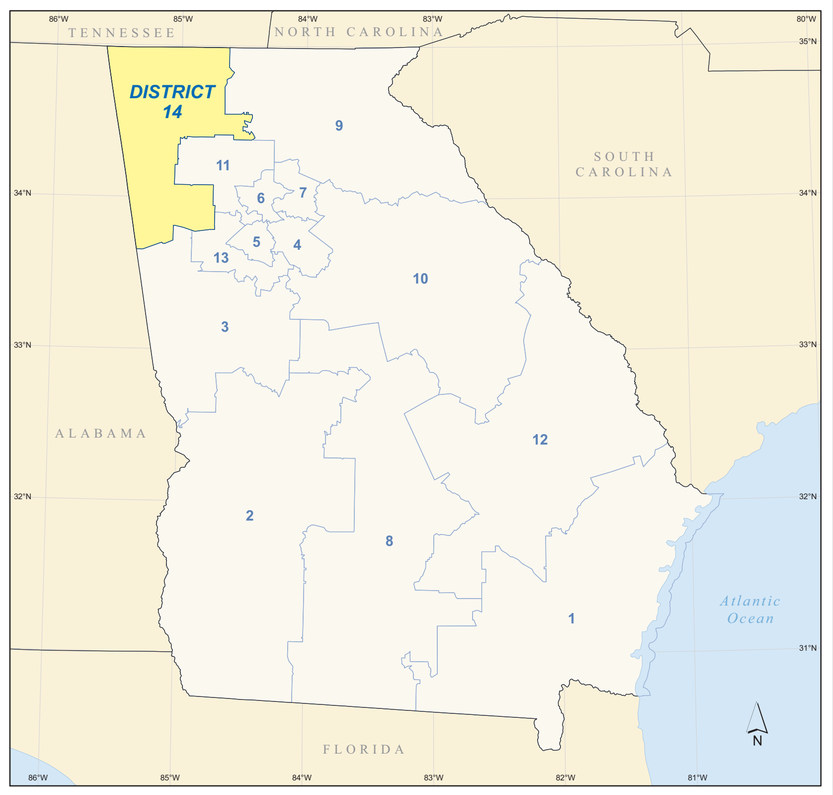
For more information on the American Community Survey, visit ***census.gov/acs***.

For more Congressional District data, visit ***census.gov/mycd***.

United States™ Census Bureau

For general information, contact the Congressional Affairs Office at (301) 763-6100.
For more information regarding congressional district plans as a result of the 2010 Census, redistricting, and voting rights data, contact the Census Redistricting and Voting Rights Data Office at (301) 763-4039 or www.census.gov/rdo.
For information regarding other U.S. Census Bureau products, visit www.census.gov.

Location of Georgia's 14th Congressional District - 14 Districts Total



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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. RES. _____

Censuring Representative Marjorie Taylor Greene.

IN THE HOUSE OF REPRESENTATIVES

Ms. BALINT submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Censuring Representative Marjorie Taylor Greene.

Whereas Representative Marjorie Taylor Greene has repeatedly fanned the flames of racism, antisemitism, LGBTQ hate speech, Islamophobia, anti-Asian hate, xenophobia, and other forms of hatred;

Whereas Representative Marjorie Taylor Greene has repeatedly debased the memories of thousands of victims of the terrorist attacks on September 11, 2001, by perpetuating conspiracy theories to shift blame and responsibility for the mass murder;

Whereas Representative Marjorie Taylor Greene has repeatedly assaulted the foundation of our democracy by perpetuating conspiracy theories related to the January 6

attack on the Capitol which sought to halt the peaceful transfer of power;

Whereas Representative Marjorie Taylor Greene has repeatedly called for violence against elected representatives and their families;

Whereas Representative Marjorie Taylor Greene has repeatedly espoused antisemitic rhetoric and conspiracy theories, including through inflammatory evocations of the Holocaust;

Whereas, on May 20, 2021, Representative Marjorie Taylor Greene said that the mask mandate in the House of Representatives was akin to Jews being ''put in trains and taken to gas chambers in Nazi Germany'';

Whereas, on May 25, 2021, Representative Marjorie Taylor Greene tweeted that, ''Vaccinated employees get a vaccination logo just like the Nazi's forced Jewish people to wear a gold star'';

Whereas, on February 26, 2022, Representative Marjorie Taylor Greene appeared at a white nationalist event that was condemned by the Republican Jewish Coalition as ''appalling and outrageous that a Member of Congress would share a platform with an individual who has actively spread antisemitic bile, mocked the Holocaust and promoted dangerous anti-Israel conspiracy theories'';

Whereas, on September 1, 2022, Representative Marjorie Taylor Greene posted a tweet comparing President Joe Biden to Adolf Hitler that said ''Joe Biden is Hitler. #NaziJoe has to go'';

Whereas, on September 1, 2022, Representative Marjorie Taylor Greene posted another tweet of a doctored video showing President Biden speaking with audio of Hitler,

swastikas in the background and a mustache akin to that of Hitler;

Whereas, on July 21, 2021, Representative Marjorie Taylor Greene said that if she was ''in charge'' she would ''kick out every single Chinese in this country that is loyal to the CCP. They would be gone'';

Whereas, on December 19, 2021, while at a Turning Point USA conference, Representative Marjorie Taylor Greene referred to Asian Americans as ''yellow people'', a slur that has been historically used to malign the Asian American community in the United States;

Whereas Representative Marjorie Taylor Greene has a history of perpetuating LGBTQ hate speech, including through her use of offensive posters in the halls of congressional office buildings beginning on February 24, 2021;

Whereas, on November 22, 2022, Representative Marjorie Taylor Greene tweeted that an LGBTQ California State Senator was a ''communist groomer'', an offensive slur that has been used to stoke fear and incite hatred of LGBTQ Americans;

Whereas, on March 7, 2023, Representative Marjorie Taylor Greene again referred to members of the LGBTQ community as ''groomers'' and spouted anti-trans rhetoric on the Floor of the House of Representatives;

Whereas, on June 1, 2023, the first day of Pride Month, Representative Marjorie Taylor Greene tweeted a photo showing an anti-trans poster that she had displayed in the hall outside of her congressional office;

Whereas, on February 22, 2019, Representative Marjorie Taylor Greene posted a video on Facebook claiming that Muslim American Members of Congress were not ''really

official'' because they didn't take the oath of office on the Bible;

Whereas, on June 17, 2020, Politico reported that Representative Marjorie Taylor Greene repeatedly engaged in Islamophobic rhetoric and suggested that Muslim Americans do not belong in the United States Government;

Whereas, on May 10, 2021, Representative Marjorie Taylor Greene referred to fellow Muslim American Members of Congress as the ''Jihad Squad'';

Whereas, on November 30, 2021, Representative Marjorie Taylor Greene yet again referred to fellow Muslim American Members of Congress as the ''Jihad Squad'';

Whereas, on June 17, 2020, Politico reported that Representative Marjorie Taylor Greene referred to Black Americans as ''slaves to the Democratic Party'' and said that they should be proud to see Confederate monuments;

Whereas, on June 17, 2020, Politico further reported that Representative Marjorie Taylor Greene stated in a video, ''I know a ton of white people that are as lazy and sorry and probably worse than Black people'';

Whereas, on May 18, 2023, Representative Marjorie Taylor Greene compared being called a white supremacist to a person of color being called the ''N-word,'' a vile racial slur;

Whereas, on January 28, 2021, a video of Representative Marjorie Taylor Greene resurfaced in which she used a harmful and offensive slur targeting Americans with disabilities which the National Down Syndrome Society called ''heartbreaking and unacceptable'';

Whereas, on November 1, 2018, Representative Marjorie Taylor Greene denied the attacks on September 11 say-

ing there was a ''so-called plane that crashed into the Pentagon'' and that ''It's odd there's never any evidence shown for a plane in the Pentagon'';

Whereas, on November 17, 2018, Representative Marjorie Taylor Greene peddled a vile antisemitic trope when she claimed that wildfires in California were caused by space lasers operated by members of the Jewish community;

Whereas, on August 17, 2020, a video of Representative Marjorie Taylor Greene resurfaced in which she stated that the mass shooting at a country music festival in Las Vegas, Nevada, where 60 people were murdered, was perpetuated in order to pass anti-gun legislation;

Whereas, on January 19, 2021, Media Matters published a screenshot of a Facebook comment from Representative Marjorie Taylor Greene where she emphatically agreed that the mass shooting at Marjory Stoneman Douglas High School, where 17 students and teachers were murdered, was a false flag event;

Whereas, on January 21, 2021, Media Matters published a screenshot of a Facebook comment liked by Representative Marjorie Taylor Greene that claimed 9/11 was ''done by our own Gov,'' to which she responded ''That is all true'';

Whereas that same comment liked and agreed to by Representative Marjorie Taylor Greene further claimed that the mass shooting at Sandy Hook Elementary where 26 people, including 20 precious children were murdered, was staged;

Whereas, on September 3, 2020, Representative Marjorie Taylor Greene posted an image of herself holding a gun

next to images of three Members of Congress with a caption encouraging ''going on offense'' against them;

Whereas, on January 26, 2021, CNN reported on posts, comments and likes made by Representative Marjorie Taylor Greene from 2018 and 2019 in which Representative Marjorie Taylor Greene liked several posts and comments on Facebook demonstrating her support for the execution of several Members of the Democratic Party including Speaker of the House Nancy Pelosi, Secretary of State Hillary Clinton, and President Barack Obama;

Whereas, on January 26, 2021, CNN further reported that Representative Marjorie Taylor Greene liked a Facebook comment in January 2019 that stated, ''a bullet to the head would be quicker'' in reference to the removal of Speaker Nancy Pelosi;

Whereas, on January 26, 2021, CNN also reported that deleted videos showed Representative Marjorie Taylor Greene calling for the execution of Speaker Nancy Pelosi and stating that she was ''a traitor to our country, she's guilty of treason'' and should ''suffer death or she'll be in prison'';

Whereas Representative Marjorie Taylor Greene has perpetuated the ''big lie'' related to the 2020 Presidential election by espousing conspiracy theories and by threatening and inciting violence;

Whereas, on October 26, 2021, Representative Marjorie Taylor Greene downplayed the actions of those who participated in the January 6 attack on the Capitol and said ''if you think about what our Declaration of Independence says, it says to overthrow tyrants'';

Whereas, on November 4, 2021, Representative Marjorie Taylor Greene went to visit those incarcerated related to the January 6 attack on the Capitol in what she referred to as ''the patriot wing'' of the D.C. Jail;

Whereas, on November 10, 2021, Representative Marjorie Taylor Greene referred to those who participated in the January 6 attack on the Capitol as ''political prisoners of war'';

Whereas, on December 10, 2022, Representative Marjorie Taylor Greene said that if she had organized the January 6 attack on the Capitol, ''we would have won. Not to mention, it would've been armed'';

Whereas, on July 19, 2023, Representative Marjorie Taylor Greene displayed graphic pornographic images during an official committee hearing that she claimed depicted a member of President Biden's family;

Whereas, on July 19, 2023, Representative Marjorie Taylor Greene sent an official press release and posted to her official congressional website public hearing commentary featuring graphic pornographic images she claimed depicted a member of President Biden's family; and

Whereas Members of Congress have promised to always have the back of Representative Marjorie Taylor Greene no matter the extent of her vile and hateful behavior: Now, therefore, be it

Resolved, That—

(1) Representative Marjorie Taylor Greene be censured;

(2) Representative Marjorie Taylor Greene forthwith present herself in the well of the House of

Representatives for the pronouncement of censure; and

(3) Representative Marjorie Taylor Greene be censured with the public reading of this resolution by the Speaker.

IN THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

DAVID ROWAN, DONALD GUYATT, ROBERT RASBURY, RUTH DEMETER, and DANIEL COOPER,	)	
Petitioners,	)	
v.	)	**Docket Number: 2222582** **2222582-OSAH-SECSTATE-CE-57-Beaudrot**
MARJORIE TAYLOR-GREENE,	)	
Respondent.	)	

FINAL DECISION

Challengers, David Rowan, Donald Guyatt, Robert Rasbury, Ruth Demeter, and Daniel Cooper (hereinafter "Challengers") filed this candidate challenge pursuant to O.C.G.A. § 21-2-5(a) and Section Three of the Fourteenth Amendment to the United States Constitution contending that Respondent, Marjorie Taylor-Greene (hereinafter "Respondent"), does not meet the qualifications to be a candidate for U.S. Representative pursuant to Section Three of the 14th Amendment of U.S. Constitution. Typical candidate challenges submitted pursuant to O.C.G.A. § 21-2-5 raise questions as to a candidate's residency or whether they have paid all of their taxes. This challenge is different. In this case, Challengers assert that Representative Greene's political statements and actions disqualify her from office. That is rightfully a question for the voters of Georgia's 14th Congressional District. THEREFORE, Administrative Law Judge Charles R. Beaudrot's Initial Decision, Findings of Fact, and Conclusion of Law are hereby **AFFIRMED.**

On April 22, 2022, a hearing on the challenge was held before Judge Charles R. Beaudrot at the Office of State Administrative Hearings. Challengers were present and represented by counsel. Respondent was present and represented by counsel. Documentary evidence, including

certain video recordings and written records proffered by the parties, was admitted. Additional documentary evidence was admitted during the course of the hearing. The parties filed post-hearing briefs and various supporting exhibits on April 29, 2022, and the record was closed at that time.

Judge Beaudrot issued his Initial Decision on May 6, 2022, finding that Challengers have failed to prove their case by a preponderance of the evidence and that Respondent is qualified to be a candidate for Representative for Georgia's 14th Congressional District. Judge Beaudrot's Initial Decision and Findings of Fact and Conclusions of Law are hereby **ADOPTED**.

Therefore, **IT IS HEREBY DECIDED** that Respondent MARJORIE TAYLOR-GREENE is QUALIFIED to be a candidate for the office of United States Representative for Georgia's 14th Congressional District.

SO DECIDED, this 6th day of May, 2022.

Brad Raffensperger

Brad Raffensperger, Secretary of State

Filing ID #20018243

Periodic Transaction Report

Clerk of the House of Representatives • Legislative Resource Center • 135 Cannon Building • Washington, DC 20515

Filer Information

Name: Mrs. Marjorie Taylor Greene
Status: Member
State/District: GA14

Transactions

ID	Owner	Asset	Transaction Type	Date	Notification Date	Amount	Cap. Gains > $200?
	JT	Advanced Micro Devices, Inc. (AMD) [ST] Filing Status: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	JT	Alphabet Inc. - Class C Capital Stock (GOOG) [ST] Filing Status: New	S	01/20/2021	01/20/2021	$15,001 - $50,000	☑
	SP	Alphabet Inc. - Class C Capital Stock (GOOG) [ST] Filing Status: New Subholding Of: Perry IRA	S	01/20/2021	01/20/2021	$1,001 - $15,000	☑
	SP	Amazon.com, Inc. (AMZN) [ST] Filing Status: New Subholding Of: Perry IRA	S	01/20/2021	01/20/2021	$1,001 - $15,000	☑
	JT	Amazon.com, Inc. (AMZN) [ST] Filing Status: New	S	01/20/2021	01/20/2021	$15,001 - $50,000	☑
	JT	Apple Inc. (AAPL) [ST] Filing Status: New	S	01/20/2021	01/20/2021	$15,001 - $50,000	☑
	SP	Apple Inc. (AAPL) [ST] Filing Status: New	S	01/20/2021	01/20/2021	$1,001 - $15,000	☑

ID	Owner	Asset	Transaction Type	Date	Notification Date	Amount	Cap. Gains > $200?
		SUBHOLDING OF: Perry IRA					
	JT	Bank of America Corporation (BAC) [ST] FILING STATUS: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	SP	Broadcom Inc. (AVGO) [ST] FILING STATUS: New SUBHOLDING OF: Perry IRA	P	01/22/2021	01/22/2021	$1,001 - $15,000	☐
	JT	Caterpillar, Inc. (CAT) [ST] FILING STATUS: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	SP	Coca-Cola Company (KO) [ST] FILING STATUS: New SUBHOLDING OF: Perry IRA	P	01/22/2021	01/22/2021	$1,001 - $15,000	☐
	JT	CRISPR Therapeutics AG - Common Shares (CRSP) [ST] FILING STATUS: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	JT	DraftKings Inc. - Class A (DKNG) [ST] FILING STATUS: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	SP	Facebook, Inc. - Class A (FB) [ST] FILING STATUS: New SUBHOLDING OF: Perry IRA	S	01/20/2021	01/20/2021	$1,001 - $15,000	☑
	JT	Facebook, Inc. - Class A (FB) [ST] FILING STATUS: New	S	01/20/2021	01/20/2021	$15,001 - $50,000	☑
	JT	Gilead Sciences, Inc. (GILD) [ST] FILING STATUS: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	SP	Goldman Sachs Group, Inc. (GS) [ST] FILING STATUS: New SUBHOLDING OF: Perry IRA	P	01/22/2021	01/22/2021	$1,001 - $15,000	☐
	JT	J.M. Smucker Company (SJM) [ST]	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐

ID	Owner	Asset	Transaction Type	Date	Notification Date	Amount	Cap. Gains > $200?
		Filing Status: New					
	JT	Lockheed Martin Corporation (LMT) [ST] Filing Status: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	JT	lululemon athletica inc. (LULU) [ST] Filing Status: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	SP	lululemon athletica inc. (LULU) [ST] Filing Status: New Subholding Of: Perry IRA	P	01/22/2021	01/22/2021	$1,001 - $15,000	☐
	JT	Medical Marijuana, Inc. (MJNA) [ST] Filing Status: New	S	02/05/2021	02/05/2021	$1,001 - $15,000	☑
	SP	PagSeguro Digital Ltd. Class A Common Shares (PAGS) [ST] Filing Status: New Subholding Of: Perry IRA	P	01/22/2021	01/22/2021	$1,001 - $15,000	☐
	JT	PagSeguro Digital Ltd. Class A Common Shares (PAGS) [ST] Filing Status: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	JT	Penn National Gaming, Inc. (PENN) [ST] Filing Status: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	SP	Penn National Gaming, Inc. (PENN) [ST] Filing Status: New Subholding Of: Perry IRA	P	01/22/2021	01/22/2021	$1,001 - $15,000	☐
	JT	ServiceNow, Inc. (NOW) [ST] Filing Status: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐
	JT	Softbank Corp Unsponsored ADR (SFTBY) [ST] Filing Status: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐

ID	Owner	Asset	Transaction Type	Date	Notification Date	Amount	Cap. Gains > $200?
	SP	Taiwan Semiconductor Manufacturing Company Ltd. (TSM) [ST] FILING STATUS: New SUBHOLDING OF: Perry IRA	P	01/22/2021	01/22/2021	$1,001 - $15,000	☐
	SP	Tesla, Inc. (TSLA) [ST] FILING STATUS: New SUBHOLDING OF: Perry IRA	P	01/22/2021	01/22/2021	$1,001 - $15,000	☐
	JT	Walmart Inc. (WMT) [ST] FILING STATUS: New	P	01/21/2021	01/21/2021	$1,001 - $15,000	☐

* For the complete list of asset type abbreviations, please visit https://fd.house.gov/reference/asset-type-codes.aspx.

ASSET CLASS DETAILS

- Perry IRA (Owner: SP)

INITIAL PUBLIC OFFERINGS

○ Yes ◉ No

CERTIFICATION AND SIGNATURE

☑ I CERTIFY that the statements I have made on the attached Periodic Transaction Report are true, complete, and correct to the best of my knowledge and belief. Further, I CERTIFY that I have disclosed all transactions as required by the STOCK Act.

Digitally Signed: Mrs. Marjorie Taylor Greene , 02/19/2021

FEDERAL ELECTION COMMISSION

December 8, 2023

Via Electronic Mail
Derek H. Ross
Elections, LLC
1050 Connecticut Avenue N.W.
Suite 500
Washington, D.C. 20036
derek.ross@electionlawllc.com

MUR 7908
Marjorie Taylor Greene

Dear Mr. Ross:

On December 6, 2023, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of your client, Marjorie Taylor Greene, in settlement of a violation of 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.6, provisions of the Federal Election Campaign Act of 1971, as amended and Commission regulations. The Commission also voted to close the file.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed, you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 746-8546.

Sincerely,

Kimberly D. Hart

Kimberly D. Hart
Attorney

Attachment
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 7908
Marjorie Taylor Greene	)	
	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint filed with the Federal Election Commission (the "Commission"). The Commission found reason to believe that Marjorie Taylor Greene ("Respondent") violated 52 U.S.C. § 30125(e)(1)(A) of the Federal Election Campaign Act of 1971, as amended (the "Act"), and 11 C.F.R. § 300.61 of the Commission's regulations.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondent and the subject matter of this proceeding, and this Agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this Agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Marjorie Taylor Greene was a first-time candidate for the U.S. House of Representatives from Georgia in 2020. On November 3, 2020, she won election as the U.S. Representative from Georgia's 14th Congressional District.

2. Stop Socialism Now PAC is an independent expenditure-only political committee ("IEOPC") registered with the Commission.

3. Greene appeared in a digital advertisement posted by Stop Socialism Now on its Facebook page on December 3, 2020 (the "Advertisement"). Greene speaks and appears on screen for approximately 47 seconds out of the Advertisement's 60-second runtime. The remaining 13 seconds — the first three seconds and the final ten seconds — of the Advertisement feature a narrator's voiceover and on-screen text.

4. The Advertisement opens with a narrator stating that "Stop Socialism Now PAC paid for this ad[vertisement] and is solely responsible for its content" against the backdrop of on-screen text "STOP SOCIALISM NOW" and a boxed text disclaimer "PAID FOR BY STOP SOCIALISM NOW PAC. NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE COMMITTEE." Greene then appears on screen, identifies herself by name, and says:

> Imagine. Biden and Harris in the White House. Pelosi is Speaker. And Schumer runs the Senate. All because Georgia lost our two Senate runoff seats to Democrats Jon Ossoff and Raphael Warnock. First off, Democrats will end the filibuster so no one can stop them. Then they'll add new Democrat states. They'll pack the Supreme Court. They'll take away our guns. Then they'll add their open borders, Green New Deal, pro-abortion, socialist agenda. Stop Socialism Now PAC is fighting back, not quitting, by exposing Ossoff's and Warnock's radical agenda. Stop Socialism Now PAC will stop Ossoff and Warnock from stealing our Senate seats. It's time to fight back now, before it's too late.

The Advertisement then cuts away from Greene and a narrator asks the viewer to "help save America and stop socialism. Make a contribution today to Stop Socialism Now PAC, because if Democrats win in Georgia, it's all over for America." Accompanying on-screen text reads

"SAVE AMERICA" and "STOP SOCIALISM" before encouraging the audience to "DONATE NOW" and to "STOP SOCIALISM NOW."

5. In the final seven seconds of the Advertisement, on-screen text includes a link directing to KeepGeorgiaRed.us (the "Donation Web Page"). An archived version of that web address redirects to a web page hosted by Anedot — an online fundraising platform — that states that the viewer should "[r]ush [their] emergency donation of $5,000, $2,500, $1,000, $500, $100, $50, or even as little as $10 right away" and states that "[w]e must re-elect Senators Kelly Loeffler and David Perdue and KEEP GEORGIA RED!" Beneath the donation form and "Donate" button, the Donation Web Page includes smaller print stating the donor certifies certain information by clicking "Donate": that the donor is 18 years of age and is a U.S. citizen or lawful permanent resident, the donation is not made on the credit or debit card of another, the donor will not be reimbursed for the contribution, and the donation is not made from funds of a federal contractor. The smaller print also states that contributions to Stop Socialism Now are not tax deductible, that Stop Socialism Now is independent and does not make contributions to or coordinate with candidates or political parties, and that by virtue of Stop Socialism Now's status as an IEOPC registered with the Commission, it "may accept unlimited contributions from individuals, corporations, PACs, unions and trade associations."

6. Stop Socialism Now posted the Advertisement on YouTube on December 12, 2020. Stop Socialism Now tweeted the Advertisement on Twitter on December 26, 2020. The text captions accompanying Stop Socialism Now's posts of the Advertisement on Facebook, YouTube, and Twitter all contain slightly revised and/or truncated versions of Greene's statements in the Advertisement.

7. Greene's official Facebook page, which is administered by Greene for Congress, shared Stop Socialism Now's Facebook post of the Advertisement on December 8, 2020 — five days after Stop Socialism Now originally posted the Advertisement on Facebook. Greene retweeted Stop Socialism Now's tweet of the Advertisement on or about December 27, 2020 — one day after Stop Socialism Now originally tweeted it. Greene's Facebook share and retweet both include the full Advertisement as well as the captions, repeating truncated versions of her statements, as originally appearing in Stop Socialism Now's Facebook post and tweet. Greene's Facebook share adds the following text caption: "SAVE AMERICA. STOP SOCIALISM. DEFEAT THE DEMOCRATS!" signed with Greene's initials "-- MTG." The statements by the Advertisement's narrator are not transcribed in the text of Stop Socialism Now's Facebook post or tweet, and therefore not in Greene's Facebook share or retweet, but the Advertisement itself is included in full, which contains the narrator's request that the viewer "help save America and stop socialism. Make a contribution today to Stop Socialism Now PAC, because if Democrats win in Georgia, it's all over for America," and the on-screen text "DONATE NOW."

8. The Act prohibits federal candidates and officeholders, their agents, and entities directly or indirectly established, financed, maintained, or controlled by or acting on behalf of federal candidates and officeholders, from soliciting funds in connection with a federal election "unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Act." 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. §§ 300.60, 300.61.

9. The Act limits contributions to non-authorized, non-party committees to $5,000 in any calendar year. 52 U.S.C. § 30116(a)(1)(C). Although an IEOPC may accept contributions from corporations and individuals without regard to that $5,000 limitation, federal

officeholders and candidates may only solicit up to $5,000 from permissible sources on behalf of such a committee. *SpeechNow.org v. FEC*, 599 F.3d 686, 696 (D.C. Cir. 2010) (*en banc*); Advisory Opinion 2010-11 at 2-3 (Commonsense Ten); Advisory Opinion 2011-12 at 3 (Majority PAC, *et al.*).

10. Through regulation, the Commission has defined "to solicit" broadly to mean "to ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value." 11 C.F.R. § 300.2(m). The regulation further provides that a "solicitation" is "an oral or written communication that, construed as reasonably understood in the context in which it is made, contains a clear message asking, requesting, or recommending that another person make a contribution" and "may be made directly or indirectly" but "does not include mere statements of political support." *Id.* The context of the solicitation "includes the conduct of persons involved in the communication." *Id.*

11. The standard for determining whether a communication is a solicitation is objective and does not turn on the subjective interpretations of the person making the communication or its recipients. 11 C.F.R. § 300.2(m). This objective standard "hinges on whether the recipient should have reasonably understood that a solicitation was made." Definitions of "Solicit" and "Direct," 71 Fed. Reg. 13,926, 13,929 (Mar. 20, 2006).

12. Commission regulations provide that the following types of communications constitute solicitations: (i) communications that "provide[] a method of making a contribution or donation, regardless of the communication," including but not limited to "providing a separate card, envelope, or reply device that contains an address to which funds may be sent"; (ii) communications that "provide[] instructions on how or where to send

contributions or donations, including providing a phone number specifically dedicated to facilitating the making of contributions or donations"; and (iii) communications that "identif[y] a Web address where the Web page displayed is specifically dedicated to facilitating the making of a contribution or donation or automatically redirects the Internet user to such a page, or exclusively displays a link to such a page." 11 C.F.R. § 300.2(m)(1)(i)-(iii).

13. Respondent solicited non-federal funds to Stop Socialism Now PAC in her Facebook share and retweet of the Advertisement, which includes requests for contributions through on-screen text ("DONATE NOW"), a web address for the Donation Web Page, and the narrator's statement to "make a contribution today."

14. Respondent contends that she was given insufficient legal advice (not by undersigned counsel) and did not intend to violate the Act.

V. Respondent violated 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61 by soliciting non-federal funds.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Twelve Thousand Dollars ($12,000) pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61.

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this Agreement. If the Commission believes that this Agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This Agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire Agreement.

IX. Respondent shall have no more than thirty (30) days from the date this Agreement becomes effective to comply with and implement the requirements contained in this Agreement and to so notify the Commission.

X. This Agreement constitutes the entire agreement between the parties on the matter raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written Agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

BY: Charles Kitcher Digitally signed by Charles Kitcher Date: 2023.12.07 12:01:23 -05'00' 12/7/23
Charles Kitcher
Associate General Counsel for Enforcement
Date

FOR THE RESPONDENT:

9-20-23
Derek H. Ross, Esq.
Counsel for Respondent
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARJORIE TAYLOR GREENE, Plaintiff, v. BRAD RAFFENSPERGER, in his official capacity as Georgia Secretary of State, *et al.*, Defendants.	: : : : : : : : : :	CIVIL ACTION NO. 22-cv-1294-AT

OPINION AND ORDER

Table of Contents

I. INTRODUCTION

Before the Court are Plaintiff Marjorie Taylor Greene's Motions for Temporary Restraining Order and Preliminary Injunction. [Docs. 4, 5.] Plaintiff's Complaint and Motions contest the constitutionality of Georgia's "Challenge Statute" as applied to Plaintiff as well as facially. The Challenge Statute allows voters to challenge whether individual candidates in their districts meet the requisite legal qualifications to run for their prospective positions via an administrative proceeding before Georgia's Office of State Administrative Hearings ("OSAH"). Under the Challenge Statute, an OSAH administrative law judge ("ALJ") recommends factual and legal findings, which are then submitted to the Georgia Secretary of State for review and final ruling. That decision in turn may be appealed to the Superior Court of Fulton County, Georgia as well as to the Georgia Court of Appeals or Supreme Court. O.C.G.A. § 21-2-5(e).

This controversy began when five voters in Plaintiff's district filed a challenge to Plaintiff's candidacy on March 24, 2022, triggering the OSAH process. On April 1, Plaintiff filed this action seeking to (1) halt ongoing OSAH proceedings initiated by the voters' challenge and (2) enjoin the assigned ALJ and the Secretary of State from enforcing the Challenge Statute against her. The Court quickly scheduled an expedited briefing schedule and oral argument of several hours' duration that was held on April 8, 2022.

"In this Circuit, [a] preliminary injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly established the 'burden of

persuasion' as to each of the four prerequisites" for an injunction. *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (cleaned up). In assessing the question of whether a party is entitled to injunctive relief, the Court is required to apply rigorous standards. This case raises novel and complex constitutional issues of public interest and import. "After a thorough analysis of the evidentiary and legal issues presented in this complex matter involving unsettled questions of law, the Court finds Plaintiff has not carried her heavy burden to establish a strong likelihood of success on the legal merits in this case. Accordingly, the Court denies the Plaintiff's Motions for Temporary Restraining Order and Preliminary Injunction. [Docs. 4, 5.] The state proceedings under the Challenge Statute may therefore proceed.

II. BACKGROUND

Plaintiff Marjorie Taylor Greene currently serves as a member of the United States House of Representatives for Georgia's 14th Congressional District. (Stipulated Facts, Doc. 38 ¶ 1.) Plaintiff is running for reelection in the 2022 midterms and filed her candidacy for that election on March 7, 2022. (*Id.* ¶ 2.) She then filed an amended notice of candidacy on March 10, 2022. (*Id.*) Two weeks later, on March 24, five registered voters in Georgia's 14th Congressional District ("Intervenors" in this action) challenged Plaintiff's qualifications to serve as a member of Congress by filing an official challenge with the Georgia Secretary of State's office under O.C.G.A. § 21-2-5 ("the Challenge Statute"). The Challenge Statute is described below.

In their challenge, Intervenors allege that Plaintiff "does not meet the federal constitutional requirements for a Member of the U.S. House of Representatives and is therefore ineligible to be a candidate for such office." (*See* Doc. 3-1, Notice of Challenge ¶ 1.) Specifically, Intervenors assert that Plaintiff "voluntarily aided and engaged in an insurrection to obstruct the peaceful transfer of presidential power, disqualifying her from serving as a Member of Congress under Section 3 of the 14th Amendment . . . ." (*Id.*; Stipulated Facts ¶ 5.) Section 3 of the Fourteenth Amendment prohibits certain individuals and office holders, who had previously taken an oath of office to support the Constitution of the United States, from holding federal or state office if they "engaged in insurrection or rebellion" against the United States as follows:

> No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

U.S. Const. amend. XIV, § 3.

Plaintiff took her oath of congressional office on January 3, 2021, when members of the 117th Congress were sworn in.[1] Intervenors' challenge sets forth, in a 42-page complaint, a broad range of contextual information as to the alleged

[1] *See Members of the 117th Congress Sworn In,* U.S. House of Representatives, https://www.house.gov/feature-stories/2021-1-5-members-of-the-117th-congress-sworn-in (last visited Apr. 17, 2021).

insurrection, Plaintiff Greene's alleged activities, and relevant legal background and argument. (*See, e.g.*, Notice of Challenge ¶¶ 43–45.)

A. The Challenge Statute and Related Procedures

The Challenge Statute provides that "any elector" who is eligible to vote for a candidate may "challenge the qualifications of the candidate by filing a written complaint with the Secretary of State giving the reasons why the elector believes the candidate is not qualified to seek and hold the public office for which he or she is offering." O.C.G.A. § 21-2-5(b). This challenge must be initiated within two weeks after the deadline for candidate qualifying. *Id.* Upon receiving the challenge, "the Secretary of State shall notify the candidate in writing that his or her qualifications are being challenged and the reasons therefor." *Id.* Additionally, the Secretary of State "shall advise the candidate that he or she is requesting a hearing on the matter before an administrative law judge of the Office of State Administrative Hearings" and shall inform the candidate of the date, time, and place of the hearing. *Id.* Although not in the statute itself, the Georgia Supreme Court has instructed that, in the context of a challenge under the Challenge Statute, the burden is on the candidate to affirmatively establish her eligibility for office. *Haynes v. Wells*, 538 S.E.2d 430, 433 (Ga. 2000). That said, under Georgia Regulations, an ALJ acting pursuant to O.C.G.A. §§ 50-13-13, 50-13-40(c), and 50-13-41 may determine, prior to the commencement of the hearing, "that law or justice requires a different placement of the burden of

proof." *See* Ga. Comp. R. & Regs. R. 616-1-2-.07.[2] As discussed later, the ALJ issued a decision on April 13, 2022, shifting the burden of proof to Intervenors. (Doc. 48-1.) The statute provides for the ALJ to report his written findings to the Secretary of State after completion of the administrative hearing process. O.C.G.A. § 21-2-5(b).

At that point, the Secretary of State "shall determine if the candidate is qualified to seek and hold the public office for which such candidate is offering." *Id.* § 21-2-5(c). If the Secretary of State determines that the candidate is not qualified, the statute directs that he shall withhold the candidate's name from the ballot or strike such candidate's name from the ballots, if the ballots have already been printed. *Id.* However, as discussed further below, counsel for Defendants represented at the Court's April 8 oral argument that the ballots for the May primary at issue here are already printed, that Plaintiff's name is on the ballot, and that it will remain on the ballot, "no ifs, ands, or buts about that." (TRO Hr'g Tr. ("Tr."), Doc. 39 at 29.) The statute further provides that, if there is insufficient time for withholding or striking a candidate's name, "a prominent notice shall be placed at each affected polling place advising voters of the disqualification" and "all votes cast for such candidate shall be void and shall not be counted." O.C.G.A. § 21-2-5(c).

[2] Counsel for Defendants represented that ALJs have invoked this provision in the past in the context of state candidate disqualifications related to tax delinquencies or past convictions. (TRO Hr'g Tr. ("Tr.") at 36.)

In the event the Secretary of State rules against the candidate, the candidate "shall have the right to appeal the decision . . . by filing a petition in the Superior Court of Fulton County *within ten days* after the entry of the final decision by the Secretary of State." *Id.* § 21-2-5(e) (emphasis added). The reviewing Fulton County Superior Court may order an immediate stay of the Secretary of State's decision "upon appropriate terms for good cause shown." *Id.* The Fulton County Superior Court review shall be conducted without a jury and shall be confined to the record. *Id.* The Challenge Statute specifically provides that the Fulton County Superior Court may reverse or modify the Secretary of State's decision for various reasons including, *inter alia*, if the decision is in violation of the Constitution or Georgia laws; in excess of the statutory authority of the Secretary of State; clearly erroneous; or affected by other error of law. *Id.* Finally, an aggrieved candidate may obtain review of the final judgment of the superior court by the Court of Appeals or the Georgia Supreme Court as provided by law. *Id.*; *see also Cox v. Barber*, 568 S.E.2d 478, 480 (Ga. 2002) (conducting "expedited review" of candidate eligibility challenge after Secretary of State adopted ALJ's decision to disqualify Barber as candidate for Public Service Commission seat based on residency requirements, and issuing opinion six days before August 20 primary and two days after the record was transmitted to the Georgia Supreme Court).[3]

[3] In *Barber*, the challenge was filed on May 11, 2002. The ALJ held a hearing on July 19, 2002, and issued a final decision on July 30, 2002. The Secretary of State adopted that decision, to disqualify Barber, on July 31, 2002. Barber appealed to the Fulton County Superior Court on

In conducting the OSAH review, the ALJ has authority to manage the hearing, rule on motions and issues of proof, and provide for the taking of testimony by deposition or interrogatory, as well as to impose civil penalties for a party's submission of pleadings or papers for an improper purpose or containing frivolous arguments. O.C.G.A. § 50-13-41(b), § 50-13-13. The ALJ is also authorized to dispose of motions to dismiss for lack of agency jurisdiction over the subject matter or parties, or "for any other ground." O.C.G.A. § 50-13-13. In line with ordinary OSAH procedures, the ALJ must issue a decision — including findings of fact and conclusions of law — to all parties within 30 days after the close of the record. *Id.* § 50-13-41(c). Upon review of the ALJ's decision, the Secretary of State has 30 days to reject or modify such decision. *Id.* § 50-13-41(d)(3). However, as evident in the *Barber* case, as well as the events that have transpired in this case so far, these proceedings frequently move far more rapidly than provided for by the OSAH statutory provisions.

B. Intervenors' Challenge and the OSAH Proceedings Thus Far

Here, Intervenors filed their challenge of Plaintiff's candidacy on March 24, 2022. That same day, the Secretary of State's office referred the challenge to OSAH and sent notice of the challenge to Plaintiff. (Stipulated Facts ¶¶ 4, 6.) Notice was sent to the email address that Plaintiff provided in her corrected

August 6, 2002, and the Fulton County Superior Court reversed the Secretary of State's decision the next day in an order issued on August 7, 2002. The Secretary of State appealed to the Georgia Supreme Court on August 9, 2002, and the record in the case was submitted to that Court on August 12. The Georgia Supreme Court decided the case on August 14, six days before the primary. *See McDonald v. Barber*, OSAH-ELE-CE-0300328-78-WJB (Ga. Office of State Admin. Hearings July 30, 2002); *Barber*, 568 S.E.2d at 478.

candidate qualifying forms, which she submitted on March 10. (*Id.*) However, the email address that Plaintiff used on her candidacy filing forms was one that Plaintiff claims was not regularly checked. (Compl., Doc. 3 ¶ 30 n.1; *see also* Declaration of Steven Ellis, Doc. 36-1 ¶ 3, Ex. A.) As a result, Plaintiff alleges that she did not receive actual notice of the challenge to her candidacy until March 31, 2022. (Compl. ¶ 30 n.1.)

Upon referral by the Secretary of State, OSAH assigned Administrative Law Judge Charles R. Beaudrot to hear the challenge. (Stipulated Facts ¶ 6.) In the OSAH proceeding, Intervenors filed a notice to produce documents and a motion to take Plaintiff's deposition on March 28, 2022. (Docs. 3-2, 3-3.) Two days later, on March 30, ALJ Beaudrot ordered Plaintiff to respond to Intervenors' notice and motion by April 4 at 12:01 p.m. (OSAH Order Shortening Time Period, Doc. 9; Stipulated Facts ¶ 8.) Plaintiff alleges that she did not receive these filings until March 31 because the candidacy forms that she had executed and signed included the incorrect email address. (Compl. ¶¶ 35–36.)

On April 3, Plaintiff filed in the OSAH proceeding a motion to dismiss the challenge, a motion to stay Plaintiff's deposition, and objections to Intervenors' notice to produce documents. (Stipulated Facts ¶ 9.) The next day, April 4, ALJ Beaudrot denied Intervenors' motion to take Plaintiff's deposition. (*Id.* ¶ 10.) On April 5, ALJ Beaudrot held a prehearing conference call during which he (1) ordered Intervenors to respond to Plaintiff's objections to the notice to produce documents by 5:00 p.m. on April 7; (2) ordered Intervenors to respond to

Plaintiff's motion to dismiss by 11:00 a.m. on Monday, April 11; and (3) indicated that he had not yet ruled on Plaintiff's objections to the notice to produce documents. (*Id.* ¶ 11.) ALJ Beaudrot then scheduled a hearing for April 13, 2022. (*Id.* ¶ 12.) On Monday, April 11, 2022, ALJ Beaudrot held a conference with Plaintiff and Intervenors and continued the hearing from April 13 to either April 19 or April 22, 2022, to accommodate Plaintiff's schedule. (Intervenors' Notice, Doc. 41.) On Tuesday, April 12, the parties confirmed with this Court that the OSAH hearing had been re-set for Friday, April 22 at 9:30 a.m. (Intervenors' Second Notice, Doc. 46.)

Subsequently, on April 13, 2022, ALJ Beaudrot issued a substantive Prehearing Order. (Prehearing Order, Doc. 48-1.) In the Prehearing Order, ALJ Beaudrot first confirmed that the OSAH hearing had been rescheduled for April 22, 2022, to accommodate Plaintiff's schedule. (*Id.* at 1.) He then overruled Plaintiff's objection to the April 22 hearing being live streamed[4] and denied Plaintiff's motion to quash, instead ordering that Plaintiff remain subject to subpoena for the April 22 hearing. (*Id.* ¶¶ 1–2.) Next, in response to a motion *in limine* filed by Plaintiff, ALJ Beaudrot ordered that the burden of proof in the OSAH proceeding would be on Intervenors, not on Plaintiff. (*Id.* ¶ 3) (citing OSAH Rule 616-1-2.07, which allows an ALJ to shift the burden of proof when justice so requires). He added: "Justice does not require [Plaintiff] to 'prove a

[4] As the ALJ noted, conducting live streamed public hearings is consistent with the State's administrative rules. (Prehearing Order at 3.) ("These policies are embodied in OSAH Rule 616-1-2-.43, and the Uniform Rules for the Superior Courts to which OSAH Rule 616-1-2-.43 refers.").

negative.' Justice in this setting requires that the burden of proof is on [Intervenors] to establish that [Plaintiff] is disqualified . . . ." (*Id.*)

In addition, ALJ Beaudrot reserved ruling on Plaintiff's motion *in limine* as to evidentiary objections, pending receipt of a more detailed list of Plaintiff's particular objections. (*Id.* ¶ 4.) ALJ Beaudrot also reserved ruling on Plaintiff's motion to dismiss until after the hearing and clarified that, like any other court, OSAH judges "are required to follow and apply the Constitution." (*Id.* ¶¶ 5–6.) He further noted that, in this respect, OSAH judges may make findings that a Georgia statute or regulation is inconsistent with the Constitution by employing accepted canons and methods of statutory interpretation. (*Id.* ¶ 6) Additionally, ALJ Beaudrot indicated that an OSAH judge may not declare a statute unconstitutional, though he may develop the record on issues of constitutional validity in presenting the record to the Secretary of State. (*Id.*) Finally, the Prehearing Order emphasizes the important interest at stake in this proceeding, both to the public at large and to the particular litigants. (*Id.* ¶ 5.) The Order also acknowledges the necessity of swift action and expeditious, but thorough, review of Intervenors' challenge in light of the election context and impending primary deadline. (*Id.*)

C. The Instant Lawsuit

After receiving actual notice of Intervenors' challenge on March 31, Plaintiff filed the instant Complaint, emergency motion for temporary restraining order ("TRO"), and motion for preliminary injunction in this Court on Friday,

April 1, 2022. (Docs. 3, 4, 5.) In her Complaint, Plaintiff asserts claims under the First and Fourteenth Amendments (Counts I and II), Article I, Section 5 of the U.S. Constitution (Count III), and the 1872 Amnesty Act (Count IV).

In Count I, Plaintiff alleges that the provision of the Challenge Statute "triggering a government investigation based only upon a Challenger's belief" — here, that Plaintiff engaged in an insurrection — violates Plaintiff's First Amendment right to run for political office. (Compl. ¶ 59.) Count II alleges that the Challenge Statute as applied here violates the Fourteenth Amendment's Due Process Clause because it places the burden on the candidate to prove that she did not engage in an insurrection in response only to a challenger's belief. (*Id.* ¶ 65.) In Count III, Plaintiff alleges that the Challenge Statute violates Article I, Section 5 of the U.S. Constitution because it permits the State of Georgia to make its own independent evaluation of whether a candidate is qualified to serve in the U.S. House of Representatives, thereby usurping Congress's constitutional responsibilities under Article I, Section 5, which instructs that each House "shall be the Judges of the Elections, Returns and Qualifications of its own Members." (*Id.* ¶¶ 68, 71.) Finally, in Count IV, Plaintiff alleges a violation of the 1872 Amnesty Act. (*Id.* ¶¶ 72–77.) The 1872 Amnesty Act removed the "political disability" imposed by Section 3 of the Fourteenth Amendment, as follows:

> [A]ll political disabilities imposed by the third section of the fourteenth article of amendments of the Constitution of the United States are hereby removed from all persons whomsoever, except Senators and Representatives of the thirty-sixth and thirty-seventh Congresses, officers in the judicial, military, and naval service of the

> United States, heads of departments, and foreign ministers of the United States.

See Act of May 22, 1872, ch. 193, 17 Stat. 142 (1872).[5] Accordingly, in Count IV, Plaintiff alleges that application of Section 3 of the Fourteenth Amendment[6] to bar her from candidacy violates the 1872 Amnesty Act. (Compl. ¶¶ 72–77.) Counts I, II, and III are brought under 42 U.S.C. § 1983. As pled, Count IV is brought directly under the 1872 Amnesty Act.

The same day Plaintiff filed her lawsuit, on April 1, counsel for Intervenors notified the Court's deputy by telephone that they intended to file a motion to intervene. The motion to intervene was filed the next business day on Monday, April 4, 2022. (Doc. 13.) The Court ordered an expedited briefing schedule as to Plaintiff's motions for a TRO and preliminary injunction and scheduled oral argument for Friday, April 8. (*See* First April 4 Docket Entry; *see also* Order Directing Proposed Intervenors to Respond to TRO, Doc. 15.) The Court also ordered expedited briefing on the motion to intervene. (*See* Second April 4 Docket Entry.)

Upon review of the motion to intervene and Plaintiff's response in opposition to that motion, the Court granted the motion on April 7. (Doc. 33.) The Court then heard arguments from all parties as to Plaintiff's emergency

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[5] Congress passed a second Amnesty Act in 1898. *See* Act of June 6, 1898, ch. 389, 30 Stat. 432 ("[T]he disability imposed by section three of the Fourteenth Amendment to the Constitution of the United States heretofore incurred is hereby removed.").

[6] As noted above, Section 3 of the Fourteenth Amendment prohibits an individual from serving as a representative in Congress if, after having previously taken an oath to support the Constitution, he or she engages in insurrection or rebellion against the United States.

motion for a TRO and motion for preliminary injunction in open court on Friday, April 8, 2022.

As to the expected timeline, counsel for Defendants represented at oral argument that the "ballot build deadline" for the May 24, 2022 primary has already passed, that absentee ballots for the primary have already been printed, and that Plaintiff's name is on the ballots. (Tr. at 29.) According to Defendants, Plaintiff could "renounce her U.S. citizenship and she is still going to appear on the printed absentee ballots" and "is still going to appear on the ballot marking devices." (*Id.*) Plaintiff did not dispute this assertion or provide any evidence to the contrary.

As noted, after oral argument on April 8, the Court received notice on the docket that the OSAH hearing, previously set for April 13, had been continued to April 22. (Intervenors' Notices, Docs. 41, 46.) Given the additional time available for the Court to rule prior to the commencement of the OSAH hearing, the Court requested limited supplemental briefing from the parties pertaining to the issues of *Younger* abstention and the ALJ's authority to shift the burden of proof in a challenge proceeding. (Doc. 47.) The parties submitted the requested briefs on April 14, 2022, and also attached the April 13 OSAH Prehearing Order discussed thoroughly above. Accordingly, Plaintiff's motions are now ripe for resolution.

III. PRELIMINARY INJUNCTION LEGAL STANDARD

Before a court will grant a motion for emergency injunctive relief, such as a TRO or a preliminary injunction, the moving party must establish that: (1) she

has a substantial likelihood of success on the merits; (2) she will suffer irreparable injury if the relief is not granted; (3) the threatened injury outweighs the harm the relief may inflict on the non-moving party; and (4) entry of relief would not be adverse to the public interest. *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1268 (11th Cir. 2006); *see also McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998).

A TRO or preliminary injunction is "an extraordinary and drastic remedy." *Siegel*, 234 F.3d at 1176; *see also Texas v. Seatrain Int'l, S.A.*, 518 F.2d 175, 179 (5th Cir. 1975) (explaining that "granting a preliminary injunction is the exception rather than the rule" and that a preliminary injunction is "an extraordinary and drastic remedy").[7] A court is authorized to grant such extraordinary injunctive relief only when the moving party "clearly establishe[s] the burden of persuasion as to each of the four prerequisites." *Siegel*, 234 F.3d at 1176 (internal quotation marks omitted). A showing of irreparable injury is "'the sine qua non of injunctive relief.'" *Id.* (citing *Ne. Fla. Chapter of the Ass'n of Gen. Contractors v. City of Jacksonville*, 896 F.2d 1283, 1285 (11th Cir. 1990)). Therefore, even if the moving party establishes a likelihood of success on the merits, the absence of a substantial likelihood of irreparable injury would make any preliminary injunctive relief improper. *Id.* The irreparable injury asserted by

[7] The Eleventh Circuit, in *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (*en banc*), adopted decisions of the Fifth Circuit rendered prior to October 1, 1981, as precedent in the Eleventh Circuit.

the moving party "must be neither remote nor speculative, but actual and imminent." *Id.*

IV. THRESHOLD PROCEDURAL AND JURISDICTIONAL ISSUES

Before turning to the merits, the Court must first address three important threshold issues: (1) whether Plaintiff has standing to pursue her claims and whether her claims are ripe; (2) whether Plaintiff has a cause of action to bring her claim under the 1872 Amnesty Act; and (3) whether the Court should decline to exercise jurisdiction in this case under the *Younger* abstention doctrine.

A. Standing and Ripeness

In response to Plaintiff's motions, Defendants argue that Plaintiff lacks Article III standing and that her claims are not yet ripe. (Defs.' Opp'n, Doc. 22 at 14–16.) Specifically, Defendants contend that Plaintiff "has not shown that the factual predicate for her alleged injury — namely, her potential disqualification — has sufficiently materialized," and thus her injury is "entirely conjectural and hypothetical" at this point, as neither the ALJ nor the Secretary of State has ruled to disqualify her. (*Id.*) At the April 8 oral argument, Intervenors stated that they do not contest Plaintiff's ability to demonstrate standing with respect to Counts I, II, or III.[8] In reply, Plaintiff contends that she has suffered concrete, particularized injury in being subject to the Challenge Statute via an allegedly unconstitutional process. (Reply, Doc. 32 at 2–3.)

[8] However, Intervenors argue that the Court does not have jurisdiction to address Count IV, as discussed further in Section IV.B. (Tr. at 48.)

Under Article III of the Constitution, a federal court's jurisdiction is limited to "Cases" and "Controversies." U.S. Const., art. III, § 2. "To establish Article III standing, a plaintiff must show (1) an injury in fact, (2) a sufficient causal connection between the injury and the conduct complained of, and (3) a likelihood that the injury will be redressed by a favorable decision." *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 157–58 (2014) (cleaned up) (quoting *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992)).

At issue here is the first requirement: injury in fact. This requirement ensures that a plaintiff has a "personal stake in the outcome of the controversy." *Id.* at 158 (citing *Warth v. Seldin*, 422 U.S. 490, 498 (1975)). To meet this first requirement, an injury must be "concrete, particularized, and actual or imminent." *TransUnion LLC v. Ramirez*, 141 S. Ct. 2190, 2203 (2021). "[A]n allegation of future injury may suffice if the threatened injury is 'certainly impending,' or there is a 'substantial risk' that the harm will occur." *Susan B. Anthony*, 573 U.S. at 158 (citing *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 414 n.5 (2013)). When an individual is subject to threatened enforcement of a law, "an actual arrest, prosecution, or other enforcement action is not a prerequisite to challenging the law." *Id.* ("[W]e have permitted pre-enforcement review under circumstances that render the threatened enforcement sufficiently imminent."). A threatened administrative proceeding, for example, may give rise to harm sufficient to justify pre-enforcement review. *Id.* at 165; *see also Steffel v. Thompson*, 415 U.S. 452, 458–60 (1974) (holding that reasonable threat of

prosecution for conduct allegedly protected by Constitution gives rise to sufficiently ripe controversy).

Under this logic, the Supreme Court explained in *Ohio Civil Rights Commission v. Dayton Christian Schools, Inc.* that "[i]f a reasonable threat of prosecution creates a ripe controversy," it necessarily follows that the "actual filing of [an] administrative action threatening sanctions" does as well. 477 U.S. 619, 625–26 n.1 (1986) ("It is true that the administrative body may rule completely or partially in appellees' favor; but it was equally true that the plaintiffs in *Steffel* and *Doran* may have prevailed had they in fact been prosecuted."); *see also Babbitt v. United Farm Workers Nat'l Union*, 442 U.S. 289, 302 n.13 (1979) ("[T]he prospect of issuance of an administrative cease-and-desist order . . . or a court-ordered injunction . . . against such prohibited conduct provides substantial additional support for the conclusion that appellees' challenge . . . is justiciable.").

The same is true here. Like in *Ohio Civil Rights Commission*, "an administrative action threatening sanctions" has already commenced. 477 U.S. at 625–26 n.1. Indeed, Plaintiff has responded to motions and discovery requests in the OSAH proceeding concerning the challenge to her candidacy and has even filed a motion to dismiss of her own. Further, the potential consequences of an adverse ruling in the administrative proceeding here are serious. Plaintiff is at risk of losing her ability to run for a congressional position. Citizens have a constitutionally protected right, though limited, to run for public office. *Cook v.*

Randolph Cnty., 573 F.3d 1143, 1152 (11th Cir. 2009). Plaintiff has therefore alleged a "concrete, particularized, and actual or imminent" injury sufficient to demonstrate standing to pursue her claims related to Georgia's Challenge Statute and the OSAH process generally.

B. Does Plaintiff Have a Cause of Action to Bring a Claim Under the 1872 Amnesty Act and Does the Court Have Jurisdiction to Address this Claim Under Count IV?

At oral argument, Intervenors argued that the Court does not have jurisdiction to address Count IV as pled because the 1872 Amnesty Act does not create a private right of action. (Tr. at 48, 76.) Plaintiff responded that Count IV is brought via 42 U.S.C. § 1983, which allows a plaintiff to bring a claim under the federal Constitution or laws. (*Id.* at 77.)

Federal courts are courts of limited jurisdiction. *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 409 (11th Cir. 1999) (noting that federal courts are "empowered to hear only those cases within the judicial power of the United States as defined by Article III of the Constitution and which have been entrusted to them by a jurisdictional grant authorized by Congress") (internal quotation marks omitted). For this reason, "a court should inquire into whether it has subject matter jurisdiction at the earliest possible stage in the proceedings." *Id.* at 410 ("Indeed, it is well settled that a federal court is obligated to inquire into subject matter jurisdiction *sua sponte* whenever it may be lacking."). "The burden for establishing federal subject matter jurisdiction rests with the party bringing

the claim." *Sweet Pea Marine, Ltd. v. APJ Marine, Inc.*, 411 F.3d 1242, 1247 (11th Cir. 2005).

Here, the Complaint asserts federal jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)(3). (Compl. ¶ 5.) Section 1331 provides district courts with original jurisdiction over civil actions arising under the Constitution, laws or treaties of the United States. 28 U.S.C. § 1331. Section 1343(a)(3) provides district courts with jurisdiction over a civil action to redress the deprivation, under color of any state law or statute, of any right, privilege, or immunity secured by the Constitution or by any act of Congress. 28 U.S.C. § 1343(a)(3).

However, these jurisdictional statutes do not create a private right of action for the violation of any federal law. *See Jairath v. Dyer*, 154 F.3d 1280, 1282 (11th Cir. 1998) ("Such federal-question jurisdiction [under § 1331] may be based on a civil action alleging a violation of the Constitution, or asserting a federal cause of action *established by a congressionally created expressed or implied private remedy for violations of a federal statute*.") (emphasis added); *Storey v. Rubin*, 976 F. Supp. 1478, 1483 (N.D. Ga. 1997) ("Federal courts have federal question subject matter jurisdiction under [Section 1331] only when Congress explicitly or implicitly has created a private right of action independent of [Section 1331] supporting a given plaintiff's claim."). The Court must therefore ask whether Congress intended to create a private remedy for violations of the 1872 Amnesty Act. *Loc. Div. 732, Amalgamated Transit Union v. MARTA*, 667 F.2d 1327,

1333–34 (11th Cir. 1982) (explaining that the concepts of federal subject matter jurisdiction and implied rights of action are "inextricably intertwined").

In circumstances where a plaintiff asserts a claim directly under a federal statute and that statute does not afford a private right of action, federal courts have explained that they lack jurisdiction. *See, e.g.*, *Acara v. Banks*, 470 F.3d 569, 572 (5th Cir. 2006) ("We hold there is no private cause of action under HIPAA and therefore no federal subject matter jurisdiction over Acara's asserted claims"); *Abner v. Mobile Infirmary Hosp.*, 149 F. App'x 857, 858–59 (11th Cir. 2005) (finding that "[t]he Medicare Act does not create a private right of action for negligence," and thus "the district court properly found that jurisdiction did not exist in this case").

At the April 8 oral argument, Plaintiff argued that Count IV was brought via Section 1983. But first, Count IV, as alleged, is brought directly under the 1872 Amnesty Act, not Section 1983. Second, Section 1983 does not itself create a private right of action. *See Williams v. Bd. of Regents of Univ. Sys. of Ga.*, 477 F.3d 1282, 1299 (11th Cir. 2007) (explaining that "Section 1983 is merely a vehicle by which to bring" suits against those acting under color of state law for deprivation of any rights, privileges, or immunities secured by the Constitution and laws). As the Supreme Court has instructed, "[a] court's role in discerning whether personal rights exist in the § 1983 context should . . . not differ from its role in discerning whether personal rights exist in the implied right of action context." *Gonzaga Univ. v. Doe*, 536 U.S. 273, 285 (2002) (citing *Golden State*

Transit Corp. v. Los Angeles, 493 U.S. 103, 107–08 (1989) (explaining that "[a] claim based on a statutory violation is enforceable under § 1983 only when the statute creates 'rights, privileges, or immunities' in the particular plaintiff")). "Both inquiries simply require a determination as to whether or not Congress intended to confer individual rights upon a class of beneficiaries." *Id.* at 285–86(citing *California v. Sierra Club*, 451 U.S. 287, 294 (1981) ("The question is not simply who would benefit from the Act, but whether Congress intended to confer federal rights upon those beneficiaries")). Ultimately, "where the text and structure of a statute provide no indication that Congress intends to create new individual rights, there is no basis for a private suit, whether under § 1983 or under an implied right of action." *Id.* at 286.

Therefore, a cause of action would only lie under the 1872 Amnesty Act itself. However, Plaintiff has made no argument that the 1872 Amnesty Act itself confers an explicit or implied private right of action. Whether a federal statute creates an implied private right of action and a private remedy involves a complex assessment of the statutory text and structure to determine whether Congress intended to create a private right. *See Alexander v. Sandoval*, 532 U.S. 275, 288–89 (2001).

Here, the parties have not briefed the novel issue as to whether the 1872 Amnesty Act creates a private right that may serve as the basis for a private suit and whether the Court has jurisdiction to entertain a claim brought under this Act. The Court finds it unwise to wade into these uncharted waters without

briefing or a concrete understanding of what, if any, legal moorings exist for Plaintiff's position. This is especially so as the Court sees no basis at this preliminary juncture to find that the 1872 Amnesty Act was intended to create enforceable individual legal rights of action that could be asserted in the federal courts, as opposed to merely authorizing the removal of the "disability" incurred by a subset of the identifiable former office holders who, by the terms of Section 3 of the Fourteenth Amendment, were disqualified from serving in Congress as of 1872. Plaintiff has therefore not carried her burden to establish that the Court has jurisdiction over her 1872 Act claim. *Sweet Pea Marine*, 411 F.3d at 1247. Nevertheless, the Court may still consider certain arguments Plaintiff has made regarding the 1872 Act in the context of Plaintiff's remaining constitutional claims.

C. Federal Court Abstention under the *Younger* Doctrine

Having determined that Plaintiff has standing to maintain her claims alleged in Counts I through III and that those claims are ripe for adjudication, the Court next considers whether it should, as Defendants and Intervenors argue, decline to exercise its jurisdiction to hear this case under the *Younger* abstention doctrine.

This abstention doctrine originates from the Supreme Court's holding in *Younger v. Harris*, 401 U.S. 37 (1971). In *Younger*, the Supreme Court held that, under "the basic doctrine of equity jurisprudence," federal courts should not act to restrain ongoing criminal prosecutions in state courts, provided that "the

moving party has an adequate remedy at law and will not suffer irreparable injury if denied equitable relief."[9] *Id.* at 43–44. This principle of equitable restraint serves the interest of "avoid[ing] a duplication of legal proceedings and legal sanctions where a single suit would be adequate to protect the rights asserted." *Id.* at 44. As the Supreme Court explained in *Younger*, the rationale for restraining courts of equity from interfering with ongoing criminal prosecutions is also reinforced by a consideration of comity, that is:

> a proper respect for state functions, a recognition of the fact that the entire country is made up of a Union of separate state governments, and a continuance of the belief that the National Government will fare best if the States and their institutions are left free to perform their separate functions in their separate ways.

Id. This concept, which "is referred to by many as 'Our Federalism,' . . . does not mean blind deference to 'States' Rights' any more than it means centralization of control over every important issue in our National Government and its courts." *Id.*

Because the same concern for "comity and federalism" is "equally applicable to certain other pending state proceedings," the Supreme Court extended the *Younger* abstention doctrine to other types of state civil proceedings "in which important state interests are involved." *Ohio Civil Rights Comm'n*, 477 U.S. at 627. Despite this prior extension, the Supreme Court has more recently narrowed *Younger*'s domain, cautioning that "[a]bstention is not

[9] Unlike standing and ripeness, the *Younger* abstention doctrine "does not arise from lack of jurisdiction in the District Court, but from strong policies counseling against the exercise of such jurisdiction where particular kinds of state proceedings have already been commenced." *Ohio Civil Rights Comm'n*, 477 U.S. at 626.

in order simply because a pending state-court proceeding involves the same subject matter." *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 72 (2013).[10] Rather, circumstances fitting within the *Younger* doctrine are "exceptional" and only apply to the three specific categories of state proceedings identified in *Sprint*: (1) "state criminal prosecutions," (2) "civil enforcement proceedings" akin to criminal prosecutions, and (3) "civil proceedings involving certain orders that are uniquely in furtherance of the state court's ability to perform their judicial functions." *Id.* at 73 (quoting *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans ("NOPSI")*, 491 U.S. 350, 367–68 (1989)). In *Sprint*, the Supreme Court emphasized that, "a federal court's 'obligation' to hear and decide a case is 'virtually unflagging,'" and "[p]arallel state-court proceedings do not detract from that obligation." *Id.* at 77.

After a federal court finds that state-court proceedings fall into one of these three exceptional categories, and only after that determination, "additional factors" must be considered by the federal court to determine whether abstention is appropriate. *Barone v. Wells Fargo Bank, N.A.*, 709 F. App'x 943, 948 (11th Cir. 2017) (quoting *Sprint*, 571 U.S. at 81). The federal court must apply the "*Middlesex* factors" and consider whether the state proceeding (1) constitutes an ongoing state judicial proceeding that (2) implicates important state interests and (3) provides an adequate opportunity to raise federal challenges. *Id.* (citing

[10] *See Smith & Wesson Brands, Inc. v. Att'y Gen. of N.J.*, 27 F.4th 886, 890 (3d Cir. 2022) (explaining that, in the years that followed *Younger*, "federal courts expanded [the doctrine] and abstained too frequently, so the Supreme Court reined in that expansion," and "has since consistently narrowed abstention doctrines, including *Younger*").

Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 432 (1982)).

When all three *Middlesex* factors are satisfied, a federal court should abstain from interfering with ongoing state proceedings absent a showing that (1) the state proceeding was initiated in bad faith or for the purpose of harassment; (2) the challenged statute is "flagrantly and patently unconstitutional;" or (3) other extraordinary circumstances render abstention inappropriate. *Middlesex*, 457 U.S. at 437.[11]

Although the parties in this case focus on whether the three *Middlesex* factors are satisfied, they devote little attention to whether this case falls into any of the three categories in which *Younger* abstention could apply as identified by the Supreme Court in *Sprint*. Plaintiff does not dispute Defendants' and Intervenors' contention that this case falls into *Sprint*'s third category, but that certainly is not dispositive. The Court has an independent obligation to determine whether this case does in fact fall into one of the three categories in which *Younger* abstention could potentially apply. As the Supreme Court observed in *Sprint*, "abstention is not warranted whenever these so-called

[11] *See, e.g.*, *Dombrowski v. Pfister*, 380 U.S. 479, 489–90 (1965) (finding that abstention was inappropriate where the plaintiffs alleged that the State was abusing its legislative power and criminal processes in order to harass and humiliate plaintiffs, without any hope of ultimate success in the prosecutions but instead to discourage plaintiffs' civil rights activities); *Gibson v. Berryhill*, 411 U.S. 564, 577 (1973) (finding that *Younger* abstention did not apply where district court determined that state tribunal was "incompetent by reason of bias to adjudicate the issues pending before it"); *Younger*, 401 U.S. at 53–54 (acknowledging that it was "of course conceivable that a statute might be flagrantly and patently violative of express constitutional prohibitions in every clause, sentence, and paragraph, and in whatever manner and against whomever an effort might be made to apply it") (internal quotation marks omitted).

Middlesex factors are met." *Barone*, 709 F. App'x at 948. If courts did not limit the application of *Younger* to "the three types of exceptional proceedings which define *Younger*'s scope," it "would extend *Younger* to virtually all parallel state and federal proceedings, at least where a party could identify a plausibly important state interest." *Id.* (quoting *Sprint*, 571 U.S. at 81–82). Such a result is "irreconcilable with the general rule 'that, even in the presence of parallel state proceedings, abstention from the exercise of federal jurisdiction is the exception, not the rule.'" *Id.*

Keeping in mind these important directives, the Court turns to the question of whether *Younger* abstention applies to this case. To answer that question, the threshold issue the Court must first address is whether this case falls within one of the three exceptional categories of cases identified by the Supreme Court in *Sprint*. The underlying state proceeding is unquestionably not a criminal prosecution; thus, the first category plainly does not apply. The Court therefore focuses its analysis on whether the state proceeding at issue falls within *Sprint*'s second and third categories.

1. Sprint Category Two: Civil Proceedings Akin to Criminal Prosecutions

A state civil proceeding is generally akin to a criminal prosecution when it constitutes an "enforcement action" initiated to sanction the federal plaintiff for a "wrongful act." *Sprint*, 571 U.S. at 79; *see also Watson v. Fla. Jud. Qualifications Comm'n*, 618 F. App'x 487, 490 (11th Cir. 2015). The Supreme Court cited several past examples of such state enforcement actions in *Sprint*. *See Ohio Civil Rights*

Comm'n, 477 U.S. 619 (abstaining where case involved state-initiated administrative proceedings to enforce state civil rights laws); *Moore v. Sims,* 442 U.S. 415, 419–20 (1979) (abstaining where case involving state-initiated proceeding to gain custody of children allegedly abused by their parents); *Trainor v. Hernandez,* 431 U.S. 434, 444 (1977) (abstaining where underlying civil proceeding was "brought by the State in its sovereign capacity" to recover welfare payments defendants had allegedly obtained by fraud); *Huffman v. Pursue, Ltd.,* 420 U.S. 592, 598 (1975) (abstaining where state proceeding was initiated to enforce civil obscenity laws).

Such "enforcement actions" are typically initiated by the State in its sovereign capacity, and the State acts as a party in the proceeding. *Sprint*, 571 U.S. at 79. These civil enforcement actions also often involve a formal investigation and a complaint filed at the end of the investigation. *Sprint*, 571 U.S. at 79 (citing *Ohio Civil Rights Comm'n,* 477 U.S. at 624, and *Middlesex*, 457 U.S. at 433). In applying *Sprint*, courts of appeals have also considered "whether the State could have alternatively sought to enforce a parallel criminal statute." *ACRA Turf Club, LLC v. Zanzuccki,* 748 F.3d 127, 138 (3d Cir. 2014) (citing *Huffman*, 420 U.S. at 604 (describing the civil proceeding at issue as "closely related to criminal statutes which prohibit the dissemination of obscene materials")); *see also Smith & Wesson Brands, Inc. v. Att'y Gen. of N.J.*, 27 F.4th 886 (3d Cir. 2022); *Minn. Living Assistance, Inc. v. Peterson*, 899 F.3d 548 (8th Cir. 2018).

Recent cases in which appellate courts have abstained under the second *Sprint* category illustrate the category's requirements of (1) a state-initiated proceeding which is (2) brought after a state investigation (3) to sanction or punish misconduct. *See, e.g.*, *Watson*, 618 F. App'x at 490–91 (affirming a district court's determination that a Florida Judicial Qualifications Commission's proceeding was akin to a criminal prosecution because "it sought to punish" a judge for her alleged unethical actions and was "initiated and prosecuted" by a state actor); *Gonzalez v. Waterfront Comm'n of N.Y. Harbor*, 755 F.3d 176, 182 (3d Cir. 2014) (finding that proceeding brought by Waterfront Commission of the New York Harbor was akin to a criminal prosecution where Commission first suspected that the plaintiff engaged in perjury, investigated the falsity of the statements, and then initiated disciplinary hearing to sanction the plaintiff for his "wrongful" conduct); *Herrera v. City of Palmdale*, 918 F.3d 1037 (9th Cir. 2019) (holding that a nuisance action was akin to a criminal prosecution where the City executed an inspection warrant, identified violations of state and local laws on a motel property, and then initiated an action for nuisance abatement); *Doe v. Univ. of Ky.*, 860 F.3d 365, 370 (6th Cir. 2017) (holding that a university's disciplinary proceeding was akin to a criminal prosecution where pubic university initiated proceeding, was a party to the proceeding, and the "case . . . involved a filed complaint, an investigation, notice of the charge, and the opportunity to introduce witnesses and evidence").

The parties here did not address *Younger*'s second category in their initial briefing. However, at the Court's April 8 oral argument, Defendants asserted that the state proceeding at issue may "very well be an arguably quasi criminal proceeding." (Tr. at 35.) Also at oral argument, Plaintiff described the state proceeding as depriving Plaintiff of protections generally afforded in the criminal context, such as the requirement that an individual may not be subject to prosecution absent a showing of probable cause, or the concept that an individual is innocent until proven guilty. (*Id.* at 8–10.) In light of these arguments, the Court requested additional briefing on this issue. In those supplemental briefs, both Plaintiff and Defendants clarified that they do not believe that the state proceeding here falls in the second category.[12] Defendants in particular stated that the state proceeding here is not akin to a criminal prosecution because: (1) the challenge was initiated by Intervenors, not the State; (2) the State is the referring agency, not a party to the proceeding; and (3) there has been no agency investigation. (Defs.' Suppl. Br., Doc. 48 at 4.) The Court also notes that ALJ Beaudrot stated in his Prehearing Order that "the Secretary of the State is the referring agency and is not a party to the hearing in this matter. The Secretary of State is not appearing or participating in this matter." (Prehearing Order ¶ 3.)

In light of this representation from the State itself that it is not pursuing a post-investigation enforcement proceeding against Plaintiff for wrongdoing,

[12] Intervenors argued in their supplemental brief that the lower proceeding is akin to a criminal prosecution because it seeks to sanction — *i.e.*, disqualify — a candidate who does not meet the qualifications. (Intervenors' Suppl. Br., Doc. 49 at 2–3.)

combined with the representation from ALJ in the underlying proceeding that the State is not in fact a party to the matter, it is readily apparent that the state proceeding below is not encompassed within the second category of cases to which *Younger* abstention applies.

2. Sprint Category Three: Civil Proceedings Implicating a State's Interest in Enforcing Orders and Judgments of its Courts

Under the third category, federal courts may abstain when there is a "civil proceeding[] involving certain orders . . . that are uniquely in furtherance of the state courts' ability to perform their judicial functions." *Sprint*, 571 U.S. at 78 (quoting *NOPSI*, 491 U.S. at 368). Put another way, this category covers state proceedings that "implicate a State's interest *in enforcing the orders and judgments of its courts*." *Id.* at 70 (internal citation omitted) (emphasis added). As articulated in *Sprint*, the seminal examples of civil proceedings that fall within this third category are *Juidice v. Vail*, 430 U.S. 327 (1977) and *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1 (1987).

In *Juidice*, the primary plaintiff had been held in contempt by a county court justice and sought to enjoin county justices' future use of statutory contempt procedures, arguing that New York's contempt statute was unconstitutional. 430 U.S. at 329–30. A three-judge district court agreed and enjoined enforcement of the contempt procedures on the basis that the statute violated the Fourteenth Amendment. *Id.* at 331. Upon review, the Supreme Court reversed, finding that the district court should have abstained under the *Younger*

doctrine. The *Juidice* Court reasoned that *Younger*'s reach extended to cases "in which the State's contempt process is involved" because "[t]he contempt power lies at the core of the administration of a State's judicial system." *Id.* at 335–36 n.12 (explaining that the contempt process "stands in aid of the authority of the judicial system, so that its orders and judgments are not rendered nugatory"). In so holding, the *Juidice* Court articulated a third *Younger* category separate from the first category of criminal proceedings and the second category of civil proceedings akin to criminal prosecutions. *Id.* at 335.

The Supreme Court later reinforced and reaffirmed this third category in *Pennzoil*. There, Pennzoil sued Texaco in Texas state court, and a jury rendered a verdict against Texaco. 481 U.S. at 5–6. Before the trial court entered judgment, Texaco filed suit in federal district court, seeking to enjoin Pennzoil from taking any action to enforce the judgment. *Id.* Texaco specifically argued that Texas's procedures related to the posting of appeals bonds were unconstitutional. *Id.* at 6. The Supreme Court held that the district court should have abstained under the principles articulated in *Juidice* because "[b]oth *Juidice* and this case involve challenges to the processes by which the State compels compliance with the judgments of its courts." *Id.* at 13–14; *see also id.* at 14 ("Not only would federal injunctions in such cases interfere with *the execution of state judgments*, but they would do so on grounds that challenge the very process by which those judgments were obtained.") (emphasis added).

Thus, the holdings in both *Juidice* and *Pennzoil* rest upon the rationale that federal courts should abstain where an injunction would interfere with a state court's ability to perform its judicial functions — specifically, its authority to enforce orders and judgments. Relying on this rationale, courts of appeals have held that *Younger* abstention similarly applies in cases where plaintiffs seek federal injunctions requiring the recusal of state-court judges. *See Aaron v. O'Connor*, 914 F.3d 1010, 1017 (6th Cir. 2019) ("We conclude that the ability of the courts of the State of Ohio to determine when recusal of a judge or justice is appropriate and to administer the recusal decision process in accordance with state law operates uniquely in furtherance of the state courts' ability to perform their judicial functions.") (internal quotation marks omitted) (collecting cases); *see also Shapiro v. Ingram*, 207 F. App'x 938, 940 (11th Cir. 2006) (finding that abstention was appropriate where plaintiff sought to overturn state court judge's failure to recuse herself as well as her contempt finding, noting that injunction would have required district court to direct state court judge "to reverse her prior rulings, effectively telling the state court how to run its contempt proceeding").

The Eleventh Circuit has also invoked this third category where the plaintiffs sought to enjoin a state court from imposing sanctions and costs against them based on the terms of a settlement agreement reached after court-ordered mediation. *See Dandar v. Church of Scientology Flag Serv. Org., Inc.*, 619 F. App'x 945, 948 (11th Cir. 2015) ("For the district court to address claims that question the manner in which a state court handles the enforcement of its orders

would directly cause the federal court to interfere with a state court's administration of its duties.").

Beyond these contexts — suits seeking to enjoin state court contempt orders, final judgments, or other enforcement orders, and suits seeking to force recusal — appellate courts have been hesitant to find *Younger*'s third category applicable. *See, e.g.*, *Smith & Wesson*, 27 F.4th at 895 (holding that *Younger*'s third category did not apply because state court order directing Smith & Wesson to comply with subpoena did not constitute an order "uniquely in furtherance" of the state court's ability to perform its judicial functions given that Smith & Wesson had already complied with subpoena) ("If a *threat* of contempt were all that was required to trigger abstention, we would have to abstain whenever there was a pending civil proceeding since the contempt power is generally available to enforce court orders") (emphasis in original); *Elna Sefcovic, LLC v. TEP Rocky Mountain, LLC*, 953 F.3d 660, 671–72 (10th Cir. 2020) (finding that category three did not apply where intervenors had filed motion in state court proceeding asking court to issue order requiring that defendant be held in contempt for violating settlement agreement but no contempt order had been issued) ("[B]oth *Juidice* and *Pennzoil* involved requests to directly or indirectly thwart state court compliance processes"); *Cavanaugh v. Geballe*, 28 F.4th 428, 434 (2d Cir. 2022) (finding *Younger*'s third category inapplicable where plaintiff sought to enjoin Connecticut commissioner from asserting lien on estate funds, finding that probate court's order recognizing lien did not "lie[] at the core of the

administration of a State's judicial system," nor did it implicate "a process that aids the state court's core ability to function or force the parties to comply with its order") (internal quotation marks and citation omitted).

In the present case, Defendants argue that this third category — for proceedings that are "uniquely in furtherance of the state courts' ability to perform their judicial functions" — applies here because Plaintiff "seeks to stop and have this Court interfere with Georgia's unique judicial process of ensuring that only candidates that meet the statutory and constitutional qualifications for office are placed on the ballot." (Defs.' Opp'n at 8). Defendants further contend that the State has a "constitutional duty in ensuring that qualified candidates are placed on ballots," and so this case falls within the realm of exceptional cases that fall within *Sprint*'s third category. (*Id.* at 9.) In subsequent briefing, Defendants reiterated these arguments, adding that it is the "exclusive jurisdiction of the state judiciary to resolve election contests." (Defs.' Suppl. Br. at 5.) Plaintiff did not, in briefing or at oral argument, contend that this third category was inapplicable.[13]

Nevertheless, having conducted its own review of the matter, the Court finds that the state proceeding below does not fall into *Sprint*'s third category as it neither "implicate[s] a State's interest in enforcing the orders and judgments of its courts" nor involves orders "uniquely in furtherance of the state courts' ability to perform their judicial functions." *Sprint*, 571 U.S. at 70. First, in seeking to

[13] Intervenors also do not mention the three categories articulated in *Sprint* in their opposition brief.

enjoin the ongoing proceeding below, there has been no state court "order" that has been violated. Plaintiff does not seek to enjoin a contempt order, a sanctions order, or some other court judgment or process "by which the State compels compliance with the judgments of its courts." *Pennzoil*, 481 U.S. at 13–14. And this Court's involvement in the matter would not render any judgment or order of a state court "nugatory." *Juidice*, 430 U.S. at 336 n.12. Second, although Defendants argue that the third category applies because Plaintiff "attempts to enjoin the administration of one aspect of the state judicial system," that is true virtually any time a plaintiff seeks to enjoin a parallel state proceeding in furtherance of an administrative enforcement scheme. Granted, the State has established a unique judicial process for reviewing disqualification decisions under the specific statute at issue, but accepting this as a rationale to abstain would run afoul of *Sprint*'s principle that "even in the presence of parallel state proceedings, abstention from the exercise of federal jurisdiction is the exception, not the rule." *Sprint*, 571 U.S. at 81–82 (internal quotation marks omitted). Additionally, Defendants have not provided any legal authority in which federal courts have abstained in the face of a state court proceeding comparable to the one at issue in the instant case.

The conclusion that abstention is inappropriate here is inescapable even though Defendants, as representatives of the State of Georgia, undoubtedly have a great interest and a duty to ensure that only qualified candidates are placed on the ballot. If federal courts were required to abstain from resolving federal

questions every time an ongoing state proceeding implicated an important state interest, *Younger*'s scope would extend to "virtually all parallel state and federal proceedings, at least where a party could identify a plausibly important state interest." *Barone*, 709 F. App'x at 948 (quoting *Sprint*, 571 U.S. at 81) (internal quotation marks and citation omitted).

In sum, Plaintiff does not seek to thwart any state court compliance process and thus does not seek to enjoin a proceeding uniquely in furtherance of a state court's ability to perform its *judicial* functions, such that this Court's assessment of Plaintiff's federal claims would render a state court *order or judgment* void. *Juidice*, 430 U.S. at 336 n.12. As a result, this case does not fall into the narrow class to which *Younger* abstention applies. The Court therefore is obligated to "hear and decide [the] case" on the merits. *Sprint*, 571 U.S. at 77. Although the Court has found abstention inappropriate, the State challenge proceedings may continue, given the Court's determination that no injunctive relief is warranted in the instant case at this time.

V. PLAINTIFF'S SUBSTANTIVE CLAIMS AND MOTION FOR PRELIMINARY INJUNCTION

A. Plaintiff's First and Fourteenth Amendment Claims [Counts I and II]

In her first two Counts, Plaintiff argues that the Challenge Statute violates the First and Fourteenth Amendments — on its face, in the case of her First Amendment claim, and as applied to her, in the case of her Fourteenth Amendment due process claim. Specifically, Plaintiff contends that running for

office is an activity protected by the First Amendment and that Defendants' enforcement of the Challenge Statute against her forces her into a burdensome process without probable cause. Plaintiff argues that the Challenge Statute is facially unconstitutional because it triggers this process based on the challenger's mere "belief" that a candidate lacks the requisite qualifications. Plaintiff also contends that the challenge process violates the Due Process Clause of the Fourteenth Amendment as applied to her because it places the burden of proof on her to establish that she possesses the requisite qualifications for Congress. In this case, Plaintiff contends that this means she must "prove the negative" that she did not engage in an insurrection in violation of her oath as a member of Congress for purposes of Section 3 of the Fourteenth Amendment. As explained below, resolving these claims requires the Court to address not only the constitutional burdens that Plaintiff alleges are imposed by Defendants' enforcement of the Challenge Statute and the alleged state interests that could potentially justify those burdens, but also whether those potential justifications have been eliminated by the 1872 Amnesty Act.

As Plaintiff raises her First and Fourteenth Amendment claims in a ballot access context, the claims must be analyzed under the framework outlined by the Supreme Court in *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983) and *Burdick v. Takushi*, 504 U.S. 428, 433 (1992).[14] The Court will therefore analyze Plaintiff's

[14] Although Plaintiff's claims technically pertain to her right to appear on the ballot rather than the right to vote, the Supreme Court has "minimized the extent to which voting rights cases are

First and Fourteenth Amendment claims together under the *Anderson/Burdick* framework.[15] Under this framework, "the Court must weigh the character and magnitude of the burden the State's rule imposes on those rights against the interests the State contends justify that burden, and consider the extent to which the State's concerns make the burden necessary." *Common Cause Ga. v. Kemp*, 347 F. Supp. 3d 1270, 1292 (N.D. Ga. 2018).

To apply this test, the Court must first "weigh the character and magnitude of the burden the State's rule imposes" to determine the appropriate level of scrutiny. *Curling v. Raffensperger*, 403 F. Supp. 3d 1311, 1336 (N.D. Ga. 2019) (citing *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997), and *Burdick*, 504 U.S. at 434); *see also Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1319 (11th Cir. 2019); *Stein v. Ala. Sec'y of State*, 774 F.3d 689, 694 (11th Cir. 2014) ("[T]he level of the scrutiny to which election laws are subject varies with the burden they impose on constitutionally protected rights — [l]esser burdens trigger less exacting review.") (internal quotation marks omitted). Second, if a law severely burdens the right to vote, the Court must consider whether the law was narrowly drawn to serve a compelling state interest. *Burdick*, 504 U.S. at 434; *Lee*, 915 F.3d at 1318. But "reasonable,

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distinguishable from ballot access cases." *Burdick*, 504 U.S. at 438 (citing *Bullock v. Carter*, 405 U.S. 134, 143 (1972)).

[15] Unlike Defendants, Intervenors argue that Plaintiff's procedural due process claim should be evaluated under the three-part balancing test articulated by the Supreme Court in *Matthews v. Eldridge*, 424 U.S. 319 (1976) instead of under the *Anderson/Burdick* test. But as Defendants point out, the Eleventh Circuit clarified in *New Georgia Project v. Raffensperger* that the *Anderson/Burdick* framework applies to procedural due process claims in the ballot access context. 976 F.2d 1278, 1282 (11th Cir. 2020).

nondiscriminatory restrictions" that impose a minimal burden may be warranted by "the State's important regulatory interests." *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1352 (11th Cir. 2009) (citing *Anderson*, 460 U.S. at 788). "And even when a law imposes only a slight burden on the right to vote, relevant and legitimate interests of sufficient weight still must justify that burden." *Lee*, 915 F.3d at 1318–19 (citing *Billups*, 554 F.3d at 1352).

In applying this test to the circumstances presented here, the Court will first consider the character and magnitude of the burdens that Defendants' enforcement of the Challenge Statute imposes on Plaintiff's constitutional rights. Then, the Court will balance those burdens against Defendants' interest in enforcing the Challenge Statute to ensure that only qualified candidates appear on the ballot. Finally, the Court will address whether any interest Defendants have in enforcing the Challenge Statute based on the qualification contained in Section 3 of the Fourteenth Amendment has been effectively eliminated by the 1872 Amnesty Act on Plaintiff's theory that the 1872 Act renders Section 3 of the Fourteenth Amendment inapplicable to her.

1. Anderson/Burdick Step 1

The Court begins by addressing the significance of the burden on Plaintiff's constitutionally protected rights. As an initial matter, a candidate's right to appear on the ballot does not rise to the level of a fundamental constitutional right, nor does a challenge to a candidate's qualifications necessarily equate to a severe burden on that candidate's First Amendment rights. *See Clements v.*

Fashing, 457 U.S. 957, 963 (1982) ("Far from recognizing candidacy as a 'fundamental right,' we have held that the existence of barriers to a candidate's access to the ballot 'does not of itself compel close scrutiny.'" (quoting *Bullock v. Carter*, 405 U.S. 134, 143 (1972)); *see also Timmons*, 520 U.S. at 359 ("That a particular individual may not appear on the ballot as a particular party's candidate does not severely burden that party's associational rights."). But in this case, Plaintiff contends that the specific *process* she must go through to establish her qualifications imposes a severe burden on her First and Fourteenth Amendment rights.

As noted, Plaintiff argues that the Challenge Statute's burden of proof requires her to prove a negative and thereby burdens her constitutionally protected rights. In support of this argument, Plaintiff principally relies on *Speiser v. Randall*, 357 U.S. 513 (1958). The plaintiffs in *Speiser* were honorably discharged World War II veterans who sought to claim property tax exemptions under California law. *Id.* at 515–16. Importantly, one of the forms the plaintiffs were required to fill out to claim their exemptions contained an oath stating,

> 'I do not advocate the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means, nor advocate the support of a foreign Government against the United States in event of hostilities.'

Id. at 515. Each of the plaintiffs claimed the exemption but refused to sign the oath. *Id.* As a consequence, the plaintiffs' local tax assessors denied the exemptions. *Id.* The assessors' decisions to deny the exemptions were based on a

provision of California law providing that, "[i]f the assessor believes that the claimant is not qualified in any respect, he may deny the exemption and require the claimant, on judicial review, to prove the incorrectness of the determination." *Id.* at 517. Although the Supreme Court took no position on the constitutional validity of the oath itself, it found that the application of the burden of proof on the taxpayer in these proceedings violated the taxpayers' due process rights.

In invalidating this procedure, the Supreme Court observed, "When the State undertakes to restrain unlawful advocacy it must provide procedures which are adequate to safeguard against infringement of constitutionally protected rights." *Id.* at 520–21. The Court determined that the procedures at issue in the tax proceedings were deficient because "[n]ot only does the initial burden of bringing forth proof of nonadvocacy rest on the taxpayer, but throughout the judicial and administrative proceedings the burden lies on the taxpayer of persuading the assessor, or the court, that he falls outside the class denied the tax exemption." *Id.* at 522. The Court emphasized that even though it is "familiar practice in the administration of a tax program for the taxpayer to carry the burden of introducing evidence to rebut the determination of the collector," this same procedure violates due process "when the purported tax was shown to be in reality a penalty for a crime." *Id.* at 524–25. The Court explained that the "underlying rationale" for removing the burden from the taxpayer who seeks the exemption in this circumstance is that "where a person is to suffer a penalty for a

crime he is entitled to greater procedural safeguards than when only the amount of his tax liability is in issue." *Id.* at 525. The Court emphasized,

> Where one party has at stake an interest of transcending value—as a criminal defendant his liberty—this margin of error is reduced as to him by the process of placing on the other party the burden of producing a sufficiency of proof in the first instance, and of persuading the factfinder at the conclusion of the trial of his guilt beyond a reasonable doubt.

Id. at 525–26. In other words,"[w]here the transcendent value of speech is involved, due process certainly requires in the circumstances of this case that the State bear the burden of persuasion to show that the appellants engaged in criminal speech." *Id.* at 526. Therefore, in the context of *Speiser*, the Court found that it was a violation of due process to require the taxpayer to "sustain the burden of proving the negative." *Id.*

Plaintiff argues that here, just like in *Speiser*, it is unconstitutional to require her to "prov[e] the negative" that she did not engage in insurrection and that she is therefore qualified to run for Congress. In spite of these apparent similarities, the Court finds *Speiser* distinguishable based both on its facts and the current posture of this case.

For one thing, although Plaintiff has at least a limited interest in being able to run for office, as previously noted, Plaintiff's interest in appearing on the ballot does not rise to the level of a fundamental right. *Clements*, 457 U.S. at 963; *Timmons*, 520 U.S. at 359. And it certainly does not rise to the level of a citizen's interest in avoiding potential criminal jeopardy — *i.e.*, a criminal defendant's

interest in his liberty — based on unrelated possible political activity or beliefs in the course of applying for a tax credit. Further, as Intervenors' counsel pointed out at oral argument, it is not clear why Plaintiff cannot meet the initial burden to prove the negative by simply submitting an affidavit stating under oath that she did not engage in an insurrection or addressing the allegations in the challenge that are focused on her own activities. At that point, the burden would shift to the challengers to rebut that evidence, unlike in *Speiser*, where "throughout the judicial and administrative proceedings the burden lie[d] [with] the taxpayer of persuading the assessor, or the court, that he falls outside the class denied the tax exemption." 357 U.S. at 522.

But even if the burden of proof were to be deemed constitutionally problematic in this context, as Defendants' counsel noted, Georgia Regulations authorize the ALJ to shift the burden away from Plaintiff if it is necessary to do so in the interest of justice. *See* Ga. Comp. R. & Regs. § 616-1-2-.07(2) ("Prior to the commencement of the hearing, the Court may determine that law or justice requires a different placement of the burden of proof."). In fact, the ALJ overseeing Plaintiff's proceeding *has already done this* in his Prehearing Order, issued on April 13, 2022, by granting Plaintiff's motion *in limine* to shift the burden of proof to the challengers. (*See* Prehearing Order at 4–5.) Therefore, at least insofar as Plaintiff raises an as-applied challenge to her specific proceeding, any concerns about the constitutionality of the burden of proof are at this point a nullity. And if the Challenge Statute does not impose a severe burden as applied

to Plaintiff, logically, it also would not impose a severe burden on all candidates on its face, as the State regulations authorize shifting of the burden of proof as appropriate. *See Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 449 (2008) ("[A] plaintiff can only succeed in a facial challenge by 'establish[ing] that no set of circumstances exists under which the Act would be valid,' *i.e.*, that the law is unconstitutional in all of its applications." (quoting *United States v. Salerno*, 481 U.S. 739, 745 (1987))).

At this point, the only potential burden on Plaintiff's First Amendment rights is the burden of simply having to go through the challenge process itself. Plaintiff argues that the Challenge Statute is unconstitutional because it triggers a proceeding in which she must respond to a citizen's challenge that can be based solely on "a written statement why he or she believes the Candidate is disqualified from running for office." (Compl. ¶ 57.) In turn, she complains that the citizen's expression of "mere 'belief' is not enough to infringe on the fundamental right concerned."[16] (*Id.* ¶ 58.) However, Plaintiff's claim here wholly ignores citizens' own First Amendment rights to file complaints regarding the operation of the electoral process that the Challenge Act recognizes. Further, as discussed earlier, the ALJ is authorized under governing Georgia law to dismiss a complaint on any ground. O.C.G.A. § 50-13-13(a)(6). Indeed, a hearing officer clearly would not only be authorized to dismiss a frivolous challenge but also to impose civil penalties for a party's submission of pleadings or papers for an improper purpose

[16] This argument is raised is tandem with the burden of proof claim, which the Court has already addressed above as it applies to this case.

or containing frivolous arguments. O.C.G.A. § 50-13-41(b). In short, Plaintiff's argument on this ground holds no water.

Relying on *Alexis, Inc. v. Pinellas County, Florida*, 194 F. Supp. 2d 1336 (M.D. Fla. 2002), Plaintiff further argues that subjecting her to the proceeding without a threshold showing of probable cause violates her First Amendment rights in the same way that "a peaceful protestor's rights would be violated if arrested based upon a reasonable suspicion." (Doc. 4 at 4.) However, the Court finds both *Alexis* and Plaintiff's attempted analogy inapposite given that Plaintiff has not been subject to arrest or criminal prosecution. *Cf.* 194 F. Supp. 2d at 1347–48 (holding that "the Sheriff's deputies were constrained by the Fourth Amendment standard of probable cause to arrest only those persons violating the ordinances in their presence" and "the actions of the Sheriff's Department in arresting dancers for whom there was probable cause for arrest did not present an impermissible prior restraint in violation of the First Amendment").[17]

Moreover, as Intervenors note, the challenge process at issue here does not appear particularly burdensome given that it "consists of a streamlined administrative hearing under Georgia's ordinary rules of administrative procedure." (Intervenors' Opp'n, Doc. 30 at 10–11.) And Plaintiff cites no case law in support of the proposition that a challenge process such as this one is overly

[17] The Supreme Court has also explained that certain procedural protections — protection from self-incrimination, double jeopardy protection, and the standard of proof beyond a reasonable doubt — are limited to criminal defendants and criminal cases. *United States v. Ward*, 448 U.S. 242, 248 (1980). *See also Foucha v. Louisiana*, 504 U.S. 71, 93 (1992) (Kennedy, J., dissenting) (noting that criminal cases are afforded "heightened due process scrutiny").

burdensome. Instead, Plaintiff merely speculates that there could potentially be delays in resolving the challenge. At oral argument, Plaintiff's counsel suggested that it could take many weeks or months to complete the challenge process, and by that point, ballots would already be printed, the primary election would already be over, and Plaintiff's chances to become the Republican nominee for Georgia's 14th Congressional District would be all but eliminated. Counsel also contended that regardless of how short (or long) the review process actually took, it would be almost impossible to complete the appellate review process before the May 24 primary. But all evidence points to the contrary.

First, as a practical matter, Defendants represented at oral argument that the ballots for the May 24 primary have already been printed and that Plaintiff's name is listed on the ballots. (Tr. at 29) ("She is [] going to appear on the printed absentee ballots. She is [] going to appear on the ballot-marking devices."). In light of this reality, Plaintiff's hypothetical argument that adjudication in the state proceeding might prevent Plaintiff from being included on the absentee ballot is not a viable contention. Rather, as Defendants explained at oral argument, the only question about the status of Plaintiff's candidacy moving forward is whether the votes cast for her on those ballots will ultimately be counted.[18]

[18] Plaintiff's counsel also suggested at oral argument that the challenge proceeding could infringe upon the rights of Plaintiff's supporters to cast their votes for Plaintiff as the candidate of their choice. Admittedly, "the rights of candidates do not lend themselves to neat separation" and "laws that affect candidates always have at least some theoretical, correlative effect on voters." *Bullock*, 405 U.S. at 142–43. Nevertheless, assuming arguendo that Plaintiff would have standing to bring such a claim, Plaintiff's voters still would not have a First Amendment right to vote for a disqualified candidate. *See Rhoden v. Athens-Clarke Cnty. Bd. of Elections*, 850 S.E.2d 141, 149 (Ga. 2020) (holding that "the application of a policy voiding votes cast for a dead

Also of practical import, all evidence before the Court indicates that Defendants are making significant efforts to resolve this matter expeditiously in the state proceeding. The Secretary of State referred the case to OSAH the same day that Intervenors filed their challenge. The assigned ALJ has acted with speed — ruling on motions quickly and ordering an expedited briefing and hearing schedule. Indeed, ALJ Beaudrot ruled on Intervenors' motion to depose Plaintiff *one day* after receiving Plaintiff's response to said motion. And in his recently issued prehearing order, he stated, "As an election case, this proceeding must be expedited so that this litigation does not interfere with an orderly and properly conducted election." (Prehearing Order at 6.) Importantly, Defendants' counsel also emphasized at oral argument that resolving this matter quickly is in the State's interest.

The procedure outlined in the Challenge Statute provides further support for Defendants' representation — and the evidence to date suggesting — that the review process in this matter will be seriously expedited. The text of the statute

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candidate does not violate the right to vote under the First Amendment and the Fourteenth Amendment any more than it would violate the rights of an individual who wanted to vote for someone otherwise disqualified from appearing on the ballot or assuming office"). "The right to vote does not include the right to vote in any manner, or the right to vote for a specific individual, and it may be subject to qualification since states have an interest in protecting the integrity of the election process[.]" 25 Am. Jur. 2d Elections § 98 (footnote omitted); *see Citizens for Legislative Choice v. Miller*, 144 F.3d 916, 921 (6th Cir. 1998) (finding that "[a] voter has no right to vote for a specific candidate"). That said, in recognition of the fact that "[i]n approaching candidate restrictions, it is essential to examine in a realistic light the extent and nature of their impact on voters," *Bullock*, 405 U.S. at 143, the Court acknowledges that some voters may fear that their votes will be wasted if they vote for a candidate whom they believe — rightly or not — may be disqualified, and that this could potentially dissuade these voters from casting their ballots for the candidate of their choice. But Plaintiff has presented no evidence to that effect at this preliminary stage, and it is unclear whether these claims would fall within the scope of Plaintiff's Complaint as currently pled.

itself states that an appeal of the Secretary of State's determination must be made to the Superior Court of Fulton County within just 10 days. O.C.G.A. § 21-2-5(e). And as Defendants' counsel stated at oral argument, "There is a concerted effort on the part of all of the State judiciary to remove any uncertainty prior to the certification period to ensure a smooth application of the election process." (Tr. at 42–43.)

The case *Cox v. Barber*, 568 S.E.2d 478 (Ga. 2002), is illustrative. *See also McDonald v. Barber*, OSAH-ELE-CE-0300328-78-WJB (Ga. Office of State Admin. Hearings July 30, 2002). In that case, a candidate for a Public Service Commission seat, J. Mac Barber, faced a residency challenge to his qualifications. In response to this challenge, Barber raised a constitutional defense that the residency requirement violated the Equal Protection Clause of the Constitution. The ALJ held a hearing on July 19, 2002 and issued a decision eleven days later, on July 30, 2002.[19] The Secretary of State adopted the ALJ's decision to disqualify Barber the next day, July 31, 2002. Barber then filed a complaint in the Superior Court of Fulton County on August 6, and the Fulton County Court issued its decision reversing the Secretary of State on August 7, 2002. The Secretary of State then appealed the decision on August 9, 2002, and the record was transmitted to the Georgia Supreme Court on August 12, 2002. The Georgia Supreme Court issued its opinion a mere two days later on August 14, 2002. The

[19] A review of the timeline in *Barber* indicates that the challenge was filed on May 11, 2002, but the hearing did not occur until July 19, 2002. There is no concern of a similar delay in the present case, as ALJ Beaudrot has scheduled the OSAH hearing for Friday, April 22, 2022.

entire review process in *Barber* – from the hearing before the ALJ to the issuance of the decision by the Georgia Supreme Court — was expeditious.

In short, all evidence points to the conclusion that swift resolution is likely in this case. Plaintiff has presented no evidence — and provided this Court with no reason to believe — that the challenge to her candidacy will be treated with any delay.[20] What is more, as long as the resolution is quick, and the challenge to the candidate's qualifications are nonfrivolous, there is nothing constitutionally impermissible about requiring a candidate to respond to a notice of challenge, especially now that the ALJ has shifted the burden of proof to the challengers.

Under the circumstances, the Court fails to see how the challenge process qualifies as a severe burden on Plaintiff's First and Fourteenth Amendment rights. This is especially so considering that, in recent years, the U.S. Supreme Court and courts in this Circuit have repeatedly rejected claims by other candidates and voters who have similarly asserted that a state's various procedural hurdles to accessing the ballot placed a severe burden on their constitutional rights.

For example, in *Crawford v. Marion County Election Board*, the Supreme Court held that Indiana's requirement for voters to obtain a photo ID as a prerequisite for voting imposed "only a limited burden" on voters' access to the ballot. 553 U.S. 181, 202–03 (2008). The Eleventh Circuit followed suit the

[20] The Court also notes that on April 11, 2022, Plaintiff requested a two-week extension in the administrative hearing proceedings based on her own scheduling needs. The hearing officer granted this request. The request is reasonable but does not reflect the concerns about urgency in resolution of this matter that are raised in Plaintiff's briefs and her counsel's oral argument.

following year in *Common Cause/Georgia. v. Billups*, when it found Georgia's requirement that "every voter who casts a ballot in person [] produce an identification card with a photograph of the voter" did not pose a significant burden on voters who lack photo identification. 554 F.3d 1340, 1345, 1354 (11th Cir. 2009). More recently, in *Cowen v. Secretary of State of Georgia*, the Eleventh Circuit found Georgia's requirement that third party and independent candidates obtain petition signatures from "a number of voters equal to 5% of the total number of registered voters eligible to vote in the last election for the office" did not impose a severe burden for purposes of the *Anderson/Burdick* analysis. 22 F.4th 1227, 1230 (11th Cir. 2022). The court reached that conclusion even though the candidates at issue only had a 180-day period in which to collect signatures — which had to be supported by a notarized affidavit from the petition circulator — and the candidates were also required to submit either a filing fee or a pauper's affidavit. *Id.* Similarly, in *New Georgia Project v. Raffensperger*, 976 F.2d 1278 (11th Cir. 2020), the Eleventh Circuit found that the Georgia Secretary of State's refusal to extend the deadline for accepting absentee ballots during the 2020 general election did not impose a severe burden on voters' access to the ballot — in spite of the inherent risks of voting in person in the midst of the COVID-19 pandemic and the well-documented delays in processing mail through the postal service — because voters could still "take reasonable steps and exert some effort to ensure that their ballots are submitted on time." *Id.* at 1282. And another judge in this district held last year that the Georgia's "use it or lose it"

voter-list-maintenance process did not impose a severe burden on the right to vote because the steps voters had to take to avoid being removed from the voter rolls imposed "no more than ordinary burdens" on voters' access to the ballot. *Fair Fight Action, Inc. v. Raffensperger*, No. 18-cv-5391, slip op. at 54 (N.D. Ga. Mar. 31, 2021).

The common theme from these cases is that "[b]urdens are severe if they go beyond the merely inconvenient."[21] *Crawford*, 553 U.S. at 205 (Scalia, J., concurring). And at this stage, all Plaintiff has shown is that it would be "inconvenient" for her to have to go through the challenge process established by Georgia law. That is not enough to establish a severe burden at *Anderson/Burdick*'s first step. As such, the Court finds that Plaintiff has not established a severe burden on her First and Fourteenth Amendment rights for purposes of *Anderson/Burdick*'s first step.

2. Anderson/Burdick Step 2

Absent Plaintiff's showing of a severe burden, to survive a constitutional challenge on *Anderson/Burdick* grounds, Defendants would have to show that enforcing the qualifications of Section 3 of the Fourteenth Amendment through the process laid out in the Challenge Statute is justified by the State's important regulatory interests in restricting ballot access to qualified candidates.

[21] The Court does not intend any specific commentary on any of the aforementioned cases other than the obvious — they all reach the same conclusion that the existence of procedural hurdles to accessing that ballot does not by itself establish a severe burden for purposes of *Anderson/Burdick*'s first step absent other evidence reflecting additional substantive burdens. In accordance with that precedent, the Court must reach that same conclusion here.

Consistent with the State's obligations under Article I, Section 4, which charges it with regulating the time, place, and manner of elections, as Defendants note, the State has an "important and well-established interest in regulating ballot access and preventing fraudulent or ineligible candidates from being placed on the ballot." (Defs.' Opp'n at 25); *see Bullock*, 405 U.S. at 145 (noting that "a State has an interest, if not a duty, to protect the integrity of its political processes from frivolous or fraudulent candidacies"); *Hassan v. Colorado*, 495 F. App'x 947, 948 (10th Cir. 2012) (Gorsuch, J.) (noting that "a state's legitimate interest in protecting the integrity and practical functioning of the political process permits it to exclude from the ballot candidates who are constitutionally prohibited from assuming office"); *Rhoden v. Athens-Clarke Cnty. Bd. of Elections,* 310 Ga. 266, 274–76 (2020) (finding that the State's legitimate interest in administering a fair and efficient election justifies discarding of votes for a deceased or disqualified candidate and does not violate the right to vote under the First and Fourteenth Amendments). And as the Supreme Court noted in *Anderson*, "[I]t is both wasteful and confusing to encumber the ballot with the names of frivolous candidates." 460 U.S. at 788 n.9; *see also Burdick*, 504 U.S. at 440 n.10 ("It seems to us that limiting the choice of candidates to those who have complied with state election law requirements is the prototypical example of a regulation that, while it affects the right to vote, is eminently reasonable.").

In order to advance these important state interests, the State also has a legitimate interest in proceeding with the specific statutory process it has

established to ensure that only qualified candidates appear on the ballot. (*See* Defs.' Opp'n at 2) ("As part of the orderly administration of elections, Georgia law requires that candidates be qualified in advance of an election and provides a process by which eligible voters or the Secretary of State may challenge the legal qualifications of any candidate before any voter casts a ballot."); (*see also* Tr. at 42) ("The State has a legitimate interest in proceeding with the State process through its culmination to determine and ensure that only qualified candidates . . . occupy the ballot in Georgia."). Generally speaking, advancing these important State regulatory interests would easily justify any minimal burden on Plaintiff's First and Fourteenth Amendment rights.

On the other hand, the State would not have a legitimate regulatory interest in imposing nonexistent qualifications on candidates for federal office. And Plaintiff contends that this is exactly what Defendants are attempting to do here by putting her through a proceeding involving Section 3 of the Fourteenth Amendment — a provision that Plaintiff claims no longer is extant or applies. The Court considers this argument below.

3. The Disqualification Provision of Section 3 of the Fourteenth Amendment and the 1872 Amnesty Act

As previously noted, Section 3 of the Fourteenth Amendment prohibits certain individuals and office holders, who have previously taken an oath of office to support the Constitution of the United States, from holding federal or state office if they "engaged in insurrection or rebellion" against the United States. This provision specifically states:

> No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

U.S. Const. amend. XIV, § 3. Plaintiff argues that this provision was rendered inoperative by the passage of the 1872 Amnesty Act, which, according to Plaintiff, removed the "political disabilities" imposed by Section 3 of the Fourteenth Amendment for anyone who engaged in insurrection or rebellion thereafter. This Act provides:

> [A]ll political disabilities imposed by the third section of the fourteenth article of amendments of the Constitution of the United States are hereby removed from all persons whomsoever, except Senators and Representatives of the thirty-sixth and thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of departments, and foreign ministers of the United States.

See Act of May 22, 1872, ch. 193, 17 Stat. 142 (1872).

Importantly, the Fourteenth Amendment was passed and ratified in the years following the Civil War, and when the 39th Congress convened in December of 1865, "Senators and elected Representatives from the ex-Confederate States showed up ready to take their seats," thereby "infuriat[ing] most Republicans in Congress." *See* Gerard N. Magliocca, *Amnesty and Section Three of the Fourteenth Amendment*, 36 Const. Comment. 87, 91 (2021). This

inspired the inclusion of Section 3 of the Fourteenth Amendment. *Id.* In the years after the passage of the Fourteenth Amendment, Section 3 was relied on to exclude both state and federal officials from office. *Id.* at 88 (explaining that federal prosecutors brought action to oust half of the Tennessee Supreme Court); *id.* at 110–11 (noting that the Senate refused to seat a member-elect, Zebulon Vance, the wartime governor of North Carolina, on the grounds that he was ineligible under Section 3). However, calls for amnesty quickly grew. *Id.* at 111–12. "Until 1872, Congress relied on private bills to remove Section Three disabilities from thousands of individuals." *Id.* at 112. But the "sheer number of personal amnesty requests soon overwhelmed Congress and led to calls for general Section Three amnesty legislation." *Id.* at 112–13 (noting that the "momentum for amnesty was also in reaction to a white terror campaign in the South"). After President Ulysses Grant endorsed amnesty legislation, *id.* at 116, Congress began efforts to pass a bill, culminating in the 1872 Amnesty Act at issue here. *See* Act of May 22, 1872, ch. 193, 17 Stat. 142 (1872).

As is clear from the text, the 1872 Amnesty Act removed "[a]ll political disabilities imposed" by Section 3 of the Fourteenth Amendment, subject to a number of exceptions. *See* Act of May 22, 1872, ch. 193, 17 Stat. 142 (1872).

Here, Plaintiff and Intervenors vigorously dispute whether the 1872 Act was intended to provide amnesty (1) prospectively, that is, to all future office holders who, having taken an oath to support the Constitution, engage in insurrection or rebellion; or (2) retrospectively, that is, only to those who were

disqualified under this provision at the time of the passage of the 1872 Act. Put another way, Plaintiff contends that the language in the 1872 Amnesty Act removing "all political disabilities" necessarily means "all past and all future disabilities." (Tr. at 60.) The Court is not persuaded.

Plaintiff's position is not supported by the text of the 1872 Act or subsequent history. For one thing, the text of the statute contains no language suggesting that it applies prospectively. For instance, it does not say that it removes all future disabilities, disabilities that may be incurred, disabilities that shall be incurred, or the like. Although Section 3 itself utilizes the future perfect tense by applying its restriction to any individual who "*shall have engaged* in insurrection or rebellion," the 1872 Amnesty Act utilizes only the past tense phrase that "all political disabilities *imposed* by the third section of the fourteenth article . . . are hereby *removed* from all persons whomsoever . . . ." Moreover, as Intervenors argue, it strains credulity for Plaintiff to argue that Congress can "remove" something that does not yet exist.

Notwithstanding these textual barriers, in an effort to support her reading, Plaintiff points to a separate Amnesty Act that Congress passed in 1898, which removed the political disabilities of individuals who were excluded from the 1872 Act, such as Senators and Representatives of the 36th and 37th Congresses. The 1898 Act simply stated, "the disability imposed by section three of the Fourteenth Amendment to the Constitution of the United States *heretofore incurred* is hereby removed." *See* Act of June 6, 1898, ch. 389, 30 Stat. 432 (emphasis

added). Based on that language contained in this separate statute that was passed by a different Congress, Plaintiff's counsel argued that one could infer that, in 1872, Congress must have intended for the 1872 Act to apply prospectively, solely by virtue of the fact that Congress did not include the "heretofore incurred" language that was later included in the 1898 Act.

One federal district court, in *Cawthorn v. Circosta*, has accepted the argument Plaintiff's counsel is making here. No. 5:22-cv-00050, 2022 WL 738073 (E.D.N.C. Mar. 10, 2022) As the court noted in *Cawthorn*, the congressional committee responsible for investigating then-Congressman Victor Berger in 1919 analyzed Section 3 of the Fourteenth Amendment "in light of the Amnesty Act of 1898" when it was determining whether to expel Berger from Congress.[22] *Id.* at *12. In Berger's defense, he argued — just as Plaintiff argues here — that he could not be disqualified by Section 3 because Section 3 had been "entirely repealed" by the 1898 Act. *Id.* But as the congressional committee responsible for investigating Berger observed, "Congress has no power whatever to repeal a provision of the Constitution by a mere statute." *See* 6 Clarence Cannon, Cannon's Precedents of the House of Representatives 55 (1935), *available at* https://www.govinfo.gov/content/pkg/GPO-HPREC-CANNONS-V6/pdf/GPO-HPREC-CANNONS-V6.pdf#page=75. And the

[22] Berger was a Socialist member of Congress accused of providing aid to Germany during World War I. *See* Jennifer K. Elsea, Cong. Rsch. Serv., LSB10569, The Insurrection Bar to Office: Section 3 of the Fourteenth Amendment 2 (2021).

committee further noted that Congress certainly did not have the power to remove future disabilities:

> While under the provisions of section 3 of the fourteenth amendment Congress was given the power, by a two-thirds vote of each House, to remove disabilities incurred under this section, manifestly it could only remove disabilities incurred previously to the passage of the act, and Congress in the very nature of things would not have the power to remove any future disabilities.

Id. The Committee added that Congress "plainly recognized" it could not remove disabilities prospectively by including the words "heretofore incurred" in the text of the 1898 Act. *Id.*

Though the court in *Cawthorn* apparently took the view that the inclusion of the "heretofore incurred" language was the sole reason why the 1898 Act did not apply prospectively, *see* 2022 WL 738073, at *12 (stating that "the court agrees with the Berger committee that the 1898 Act, due to its 'heretofore incurred' language, removed disabilities only as to those persons excepted previously under the 1872 Act"), as the Berger Committee stated, the inclusion of that language was merely a "recogni[tion]" of the fact that Congress "manifestly" lacked the power to remove the disabilities imposed by Section 3 prospectively. And if Congress lacked the power to remove disabilities prospectively in 1898, it is equally true that it lacked the power to remove disabilities prospectively in 1872. To summarize, if the reading suggested by Plaintiff and the court in *Cawthorn* were correct, the 1872 Amnesty Act would have both applied prospectively to remove disabilities that did not yet exist and, together with the

1898 Act, effectively repealed a constitutional provision by statute — both of which, as the Berger Committee recognized, Congress cannot do.

Plaintiff's counsel claimed that his position was not that Section 3 of the Fourteenth Amendment had been repealed but merely that Congress had implemented the last clause of that provision by exercising its authority to remove the disabilities imposed by that same provision into the future. This is at best a semantic distinction. While Congress could certainly remove those disabilities on an individualized basis — or even the disabilities of all individuals who had already incurred disabilities, as it did through the 1898 Act — a blanket exercise of that authority for all individuals past and future would effectively erase Section 3's requirements altogether, including the requirement that Congress vote to remove those disabilities once they are actually incurred. By the same token, accepting *Cawthorn*'s conclusion that "Section 3 can apply to no current member of Congress" after the passage of the 1872 and 1898 Amnesty Acts, would necessarily require one to accept the conclusion that Congress had entirely repealed Section 3 of the Fourteenth Amendment through the mere passage of two statutes. 2022 WL 738073, at *11. Suffice it to say, the Court is skeptical. It seems much more likely that Congress intended for the 1872 Amnesty Act to apply only to individuals whose disabilities under Section 3 had already been incurred, rather than to all insurrectionists who may incur disabilities under that provision in the future.

This reading is supported not only by the text of the statute and the practical limitations on Congress's authority, but also by pure common sense. As Intervenors' counsel pointed out, it would make little sense for Congress to have prohibited Jefferson Davis and other leaders of the Confederacy from serving in Congress in 1872 while simultaneously granting blanket amnesty to all future insurrectionists regardless of their rank or the severity of their misconduct. But that is precisely the reading that Plaintiff asks this Court to adopt. The far more plausible reading is that Congress's grant of amnesty only applied to *past* conduct. *See* Jennifer K. Elsea, Cong. Rsch. Serv., LSB10569, The Insurrection Bar to Office: Section 3 of the Fourteenth Amendment 2 (2021) ("The Amnesty Act appears to be retrospective and apparently would not apply to later insurrections or treasonous acts.").

If there were any doubt, a close reading of past Supreme Court authority demands the conclusion that Section 3 remains operative. In *U.S. Term Limits, Inc. v. Thornton* — decided in 1995, long after the passage of the 1872 Act — the Supreme Court referenced Section 3 of the Fourteenth Amendment as a basis for disqualification that exists in the Constitution, along with other provisions, stating that "[b]ecause those additional provisions are part of the text of the Constitution, they have little bearing on whether Congress and the States may add qualifications to those that appear in the Constitution." 514 U.S. 779, 787 n.2 (1995). The Court declined to address whether this disqualification provision could be read as a qualification, but in doing so plainly stated that Section 3

remains an existing "part of the Constitution." *See also Powell v. McCormack*, 395 U.S. 486, 520 n.41 (1969) (declining to reach the issue of whether Section 3 is an additional qualification but acknowledging that "s 3 of the 14th Amendment disqualifies 'any person who having previously taken an oath . . . to support the Constitution of the United States, shall have engaged in an insurrection or rebellion against the same, or given aid or comfort to the enemies thereof'"). Plaintiff's interpretation that the 1872 Act removed Section 3's disability forevermore is at odds with the acknowledgments in *U.S. Term Limits* and *Powell*. In other words, it is unlikely — even inconceivable — that the *U.S. Term Limits* and *Powell* Courts would have referred to Section 3 as a disqualification if it had been effectively repealed by the 1872 Amnesty Act.

For all of these reasons — the plain text of the 1872 Act, the nature of Congressional power vis-à-vis the Constitution, common sense, and the Supreme Court's recognition of Section 3 in cases after the passage of the 1872 Act — it is apparent that the 1872 Act does not provide amnesty prospectively. Therefore, if Defendants were to enforce the Challenge Statute against Plaintiff based on this disability, Defendants would merely be enforcing an existing disqualification within the text of the Constitution. The Court has no basis for concluding, as the court did in *Cawthorn*, that the challenge proceeding violated federal law on the ground that the State's power to enforce Section 3 had been "rendered ineffective" by the passage of the 1872 Amnesty Act. 2022 WL 738073, at *12.

In short, Section 3 of the Fourteenth Amendment is an existing constitutional disqualification adopted in 1868 — similar to but distinct from the Article I, Section 2 requirements that congressional candidates be at least 25 years of age, have been citizens of the United States for 7 years, and reside in the states in which they seek to be elected. On the current record, it appears that the Challenge Statute imposes minimal burdens through its process of ensuring that only candidates who meet the Constitution's minimum threshold requirements appear on the ballot — including candidates who are not disqualified by Section 3 of the Fourteenth Amendment. And those minimal burdens are easily justified by the important state regulatory interest in the orderly administration of elections. The only burden on Plaintiff at this stage is her participation in an expedited, streamlined administrative review process, in which the burden of proof has now been placed on Intervenors, and an expedited appeals process, if sought. The State's interest in ensuring the integrity and efficiency of its election process is sufficiently weighty to justify that relatively minimal burden. The Court therefore finds that Plaintiff has not established a likelihood of success on the merits of Counts I and II.

B. Plaintiff's Claims Under Article I, Section 5 [Count III]

The Court next considers whether Plaintiff is likely to succeed on the merits of her separate contention that Georgia's Challenge Statute violates Article I, Section 5 of the U.S. Constitution. Plaintiff contends in Count III of her Complaint that the Challenge Statute is unconstitutional because it usurps

Congress's constitutional powers under Article I, Section 5. (Compl. ¶¶ 68–71.) Specifically, Plaintiff alleges that the Challenge Statute permits the State to make a determination as to whether a candidate is constitutionally qualified to be elected to the House of Representatives, and that this determination extends beyond the bounds of the authority of the State to regulate its elections. (*Id.* ¶¶ 68–69.) In response, Defendants rely on the constitutional authority granted to the states under Article I, Section 4 to argue that the State has the authority to regulate elections and determine whether a congressional *candidate* is qualified and can therefore be placed on the ballot. (Defs.' Opp'n at 22.) ("If states were enjoined from disqualifying candidates for federal office prior to an election, then there would be no legal process by which the state could prevent candidates who fail to meet the constitutional requirements for Congress from accessing the ballot.") Intervenors make a similar argument but add that the State is well within its authority to enforce *existing* constitutional requirements to "disqualify constitutionally ineligible candidates." (Intervenors' Opp'n at 18.)

The U.S. Constitution assigns responsibilities to both Congress and the states with respect to the election of congressional candidates. *Hutchinson v. Miller*, 797 F.2d 1279, 1284 (4th Cir. 1986) (acknowledging that the Constitution "express[ly] delegat[es] to Congress and the states [] shared responsibility for the legitimation of electoral outcomes"). Article I, Section 4 of the Constitution affords states the power to regulate the "Times, Places, and Manner" of electing United States Senators and Representatives, but adds that "Congress may at any

time by Law make or alter such Regulations, except as to the Places of chusing Senators." *See* U.S. Const. Art. I § 4, cl.1. At the same time, Article I, Section 5 empowers each house of Congress to act as "the Judge of the Elections, Returns and Qualifications of its own Members." *See* U.S. Const. Art. I § 5, cl. 1. Historically, the states' authority to regulate the "Times, Places, and Manner" of elections under their Article I, Section 4 authority has been interpreted broadly. In *Roudebush v. Hartke*, the Supreme Court reasserted the "bredth" of the states' powers under Article I, Section 4, explaining that the "comprehensive words" embraced in that Section provide a "complete code for congressional elections." 405 U.S. 15, 24 (1972). The *Roudebush* Court further explained that this authority extends:

> not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved.

Id. at 24–25 (finding that Indiana's recount procedures did not usurp power that only the Senate could exercise, where recount did not prevent Senate from independently evaluating the election, and also noting that the Senate was free to accept or reject the apparent winner or conduct its own recount) (citing *Smiley v. Holm*, 285 U.S. 355, 366 (1932)).

Consistent with this broad power, federal appellate courts have held that states have the power to exclude from the ballot constitutionally unqualified or

ineligible candidates. In *Hassan v. Colorado*, then-judge Gorsuch wrote for the Tenth Circuit, holding that Colorado had a legitimate interest in excluding the plaintiff from the ballot because he was constitutionally prohibited from assuming the office of President of the United States under Article II because he was a naturalized citizen rather than a "natural born Citizen." 495 F. App'x at 948. In so finding, the *Hassan* Court rejected the plaintiff's argument that, "[e]ven if Article II properly holds him ineligible to *assume the office of president*," it was still unlawful "for the state to deny him *a place on the ballot*." *Id.* (emphasis in original) The Court determined that "a state's legitimate interest in protecting the integrity and practical functioning of the political process permits it to exclude from the ballot candidates who are constitutionally prohibited from assuming office." *Id.* Similarly, in *Lindsay v. Bowen*, the Ninth Circuit held that California was authorized to exclude from the ballot a twenty-seven-year-old who was constitutionally ineligible to become president because of her age. 750 F.3d 1061, 1064 (9th Cir. 2014) ("[A] state has an interest, if not a duty, to protect the integrity of its political processes from frivolous or fraudulent candidacies.") (quoting *Bullock*, 405 U.S. at 145).

However, the Supreme Court has conclusively ruled that neither the states nor Congress have the power to impose *additional* qualifications for congressional membership that are not recognized in the Constitution's text. *See U.S. Term Limits,* 514 U.S. at 837–838 ("In the absence of a properly passed constitutional amendment, allowing individual States to craft their own

qualifications for Congress would thus erode the structure envisioned by the Framers[.]"); *Powell*, 395 U.S. at 522, 540 (holding that Congress cannot alter or add to the qualifications outlined in the Constitution and that qualifications "could be altered only by a constitutional amendment"); *see also Public Citizen, Inc. v. Miller*, 992 F.2d 1548 (11th Cir. 1993) (similar). That said, in *U.S. Term Limits,* the Supreme Court held that the requirement imposed by Section 3 of the Fourteenth Amendment became "part of the text of the Constitution" as a result of a constitutional amendment and therefore does not constitute an additional or unauthorized congressional membership qualification. 514 U.S. at 787, n.2. Furthermore, the Supreme Court in *U.S. Term Limits* acknowledged that the term "qualifications" may include more than what is outlined specifically in Article I, Section 2, which establishes age, citizenship, and residency requirements for members of the House of Representatives. *See id*. The Supreme Court noted that Section 3 of the Fourteenth Amendment disqualifies any person who, having previously taken an oath to support the Constitution, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. *Id*. The Court then explained that it need not determine whether this provision constituted a "qualification" for purposes of that specific case before it. *Id*.

Here, this Court concluded above in Section V.A.3. that the 1872 Amnesty Act did not grant amnesty prospectively to all conceivable future insurrectionists. Therefore, the 1872 Act did not invalidate Section 3 of the Fourteenth

Amendment. The disability outlined in that provision of the Constitution remains exactly that — a disability that disqualifies an individual who has engaged in acts of insurrection in violation of their prior oath of office from running for or holding office. In light of this finding, it is clear that, in complying with the procedures set out in the Challenge Statute, the State of Georgia is not imposing any *additional* qualifications on Plaintiff.[23] Rather, it is enforcing an *existing* provision enshrined in the Fourteenth Amendment, just as Colorado and California did in *Hassan* and *Lindsay* when they enforced other constitutional provisions.

The Court recognizes that the circumstances here are not completely analogous to those in *Hassan* and *Lindsay*. In each of those cases, the question of whether the plaintiff met the requisite age and citizenship qualifications was arguably more easily assessed and not in dispute. Nevertheless, both the *Hassan* and *Lindsay* courts emphasized that, under Article 1, Section 4, states have a significant interest in protecting the legitimacy and functioning of the political process of elections. As demonstrated by those cases, this legitimate interest includes enforcing existing constitutional requirements to ensure that candidates

[23] During oral argument Intervenors' counsel argued that Plaintiff had waived the argument that Defendants were adding additional qualifications for purposes of Count III by failing to include that argument until her reply brief. The Court need not reach the issue of waiver given its conclusion that Section 3 of the Fourteenth Amendment is an existing constitutional qualification rather than an additional one.

meet the threshold requirements for office and will therefore not be subsequently disqualified, thereby causing the need for new elections.[24]

In this case, Plaintiff has pointed to no authority holding that a state is barred from evaluating whether a candidate meets the constitutional requirements for office or enforcing such requirements. Indeed, as each house of Congress may only act to judge the "Elections, Returns and Qualifications *of its own Members*," U.S. Const. Art. I § 5, cl. 1 (emphasis added), it is also not clear that the current 117th Congress would be permitted to assess the qualifications of a candidate, like Plaintiff, for the 118th Congress. If this is so, under Plaintiff's theory, neither the State nor Congress would be permitted to exclude a constitutionally unqualified candidate from the ballot before the election. As noted, such a result is at odds with the decisions in *Hassan* and *Lindsay*, which recognized states' interests in protecting the legitimacy of the political and election process. In addition, as Defendants argue, such an "unregulated process" could "invite the possibility that fraudulent or unqualified candidates such as minors, out-of-state residents, or foreign nationals could be elected to Congress—and the state would be powerless to prevent it from happening." (Defs.' Opp'n at 23.)

[24] *Cf. Anderson*, 460 U.S. at 788, n.9 ("We have upheld generally-applicable and evenhanded restrictions that protect the integrity and reliability of the electoral process itself. The State has the undoubted right to require candidates to make a preliminary showing of substantial support in order to qualify for a place on the ballot, because it is both wasteful and confusing to encumber the ballot with the names of frivolous candidates.").

The parties devoted little time and few pages to the complicated questions inspired by this novel situation. Given the preliminary stage of the proceedings, the difficulty of the legal questions posed, and Plaintiff's failure to cite persuasive legal authority or even include a developed legal argument that the State of Georgia lacks the authority to enforce an existing constitutional provision, Plaintiff has not established a likelihood of success on the merits on Count III. *See Sampson v. All Am. Home Assistance Servs., Inc.*, No. 1:13-cv-495, 2013 WL 12322089, at *10 (N.D. Ga. Mar. 7, 2013) ("[C]ircumstances involving resolution of relatively undeveloped body of law or novel factual settings make a determination of success on the merits difficult to forecast[.]") (quoting *Treasure Salvors, Inc. v. Unidentified Wrecked & Abandoned Sailing Vessel*, 640 F.2d 560, 569–70 (5th Cir. 1981))); *Cincinnati Bengals, Inc. v. Bergey*, 453 F. Supp. 129, 145 (S.D. Ohio 1974) ("[W]here there are novel or complex issues of law or fact that have not been resolved a preliminary injunction should be denied."); *Miller v. Am. Tel. & Tel. Corp.*, 344 F. Supp. 344, 349 (E.D. Pa. 1972) ("There can be no substantial likelihood of success, if there are complex issues of law and fact, resolution of which is not free from doubt.").

VI. CONCLUSION

This case involves a whirlpool of colliding constitutional interests of public import. The novelty of the factual and historical posture of this case – especially when assessed in the context of a preliminary injunction motion reviewed on a fast track – has made resolution of the complex legal issues at stake here

particularly demanding. The Court has thus carefully evaluated governing legal precedent, the relevant historical record, the briefs and evidence submitted by the parties, and the adequacy and efficient speed of the State of Georgia's statutory and administrative procedures for addressing election qualification challenges.

As noted at the outset of this Order, "[a] preliminary injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly established the 'burden of persuasion' as to *each of the four prerequisites*" for an injunction. *Siegel*, 234 F.3d at 1176 (emphasis added). The Court has particularly focused on whether Plaintiff has carried her burden of persuasion to establish a strong likelihood of prevailing on the merits of her legal claims. Upon a thorough analysis of each of the claims asserted in this case, the Court concludes that Plaintiff has not carried her burden of persuasion with respect to this important and essential prerequisite to Plaintiff's demonstration of an entitlement to injunctive relief. As the Court has found that Plaintiff fails to establish a substantial likelihood of success on the merits, the Court need not further address the three other prerequisites for injunctive relief. *Church v. City of Huntsville*, 30 F.3d 1332, 1342 (11th Cir. 1994). Accordingly, the Court **DENIES** Plaintiff's Motion for Temporary Restraining Order and Motion for Preliminary Injunctive Relief. [Docs. 4, 5.]

IT IS SO ORDERED this 18th day of April, 2022.

AMY TOTENBERG
UNITED STATES DISTRICT JUDGE

Status	Approved
Report Type	Incident Report
Primary Officer	CHASE BURNES
Investigator	None
Reported At	08/24/22 01:01
Incident Date	08/24/22 01:01 - 08/24/22 01:35
Incident Code	52 : GUN SHOT WOUND
Location	ROME
Zone	CITY
Beat	S3
Court	None
Ereferral County	None
Disposition	Active
Disposition Date/Time	08/24/22 06:35
Review for Gang Activity	None

Asst Officers

R25 - BRIDGES, MICHAEL; R59 - BRUNSON, ERIC; R49 - GIBBS, DALTON; R72 - YOUNG, HUNTER

Offense Information

Offense	HARASSING COMMUNICATIONS
Statute	16-11-39.1
NIBRS Code	90Z - All Other Offenses
Counts	1
Offense Details	Active
Include In NIBRS	Yes
Completed	Yes
Bias Motivation	None (no bias)
Location	Residence/Home
Entry Forced	No

Victim

GREENE, MARJORIE TAYLOR - Age 48 16-11-39.1 - HARASSING COMMUNICATIONS - Active

Primary Narrative By CHASE BURNES, 08/24/22 06:43

Attempted SWAT'ing

On 08/24/2022, at 01:04 Rome-Floyd 911 dispatched Rome Police Officers to [redacted] in reference to a male who had been shot 5 times in a bathtub. The call came in from a VA crisis line. As the details continued to be relayed, it was reported that the female was still in the residence and possibly had some children inside with her.

Myself (Sgt Burnes), PFC Brunson, PFC Gibbs, PFC Young and PFC Bridges responded to the residence. While en route we were informed it was the residence of Marjorie Taylor Greene. Due to the nature of the call, we formed up at the intersection of [redacted] We then made the approach to the residence, still unsure of exactly what had transpired or what was still in progress. We made a tactical approach to the residence and began ringing the doorbell.

After several minutes we were met at the door by the victim. We informed her of the reason for us being there, and she assured us there was no issue. She stated that she would forward the issue to the appropriate security services and requested a "keep check" on her residence.

After we cleared the call and went back in service, Rome-Floyd 911 received a call from the suspect, claiming responsibility for the incident and explaining his/her motives. It was a computer generated voice. They explained that they were upset about Ms. Greene's stance on "trans-gender youth's rights", and stated that they were trying to "SWAT" her. The suspect claims that he is connected to the website "kiwifarm.net" which is a site that supports cyberstalking. The suspect stated that their user name is "AltisticRight". I have attached a screen shot that was obtained of the alleged caller's profile from the site.

The address listed is: [redacted]
The phone connected to the profile is [redacted]

The number used for both the call to the VA and the call to 911 was '

Audio from both calls can be obtained from Rome-Floyd 911

BodyCams 011, 72, 49, 25 were active.

Property / Evidence

Item #	Category	Type	Status	Location	Description
2206296RPD-001		Digital	In Digital Files		Digital Photo - MTG

RECEIVED
By OGC-CELA at 4:16 pm, Sep 24, 2021

COMPASS
LEGAL SERVICES, INC.

September 24, 2021

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463

VIA EMAIL at cela@fec.gov

Re: MUR 7908: Response of Hon. Marjorie Taylor Greene

Dear Ms. Dennis:

We represent Representative Marjorie Taylor Greene, and we write in response to your letter regarding the Complaint filed in the above-referenced matter by Common Cause, a "nonpartisan" organization that routinely (and almost exclusively) files complaints against Republican Members of Congress and conservative organizations. The politically-motivated Complaint alleges that Representative Greene violated the prohibition on Federal candidate or officeholder "soft money" solicitations in the Federal Election Campaign Act of 1971, as amended (the "Act") when she appeared in a Stop Socialism Now PAC (the "PAC") digital ad (the "Ad") in the leadup to the 2021 special runoff elections for Georgia's two United States Senate seats. Representative Greene, however, did not make any solicitation as the term is defined by the Act, and no reasonable viewing of the Ad could conclude that she did. Because Representative Greene did not solicit any contributions, there is no violation of the Act's soft money rules, and the Commission should find no reason to believe a violation occurred and close the file.

As you know, the Bipartisan Campaign Reform Act of 2002 ("BCRA") established limitations on the solicitation of soft money donations by national political party committees and federal officeholders. BCRA amended the Act to provide that a federal officeholder shall not "solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office … unless the funds are subject to the limitations, prohibitions, and reporting requirements of [the] Act." 52 U.S.C. § 30125(e)(1)(A).

With regard to the limits placed on the solicitation of funds, Commission regulations define "to solicit" to mean:

> to ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value. A solicitation is an oral or written communication that, construed as reasonably understood in

> the context in which it is made, *contains a clear message* asking, requesting, or recommending that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value. A solicitation may be made directly or indirectly. The context includes the conduct of persons involved in the communication. A solicitation does not include mere statements of political support or mere guidance as to the applicability of a particular law or regulation. 11 C.F.R. § 300.2(m)(emphasis added).

Commission regulations go on to list a series of example statements that constitute solicitations under BCRA:

> (i) "Please give $100,000 to Group X."
> (ii) "It is important for our State party to receive at least $100,000 from each of you in this election."
> (iii) "Group X has always helped me financially in my elections. Keep them in mind this fall."
> (iv) "X is an effective State party organization; it needs to obtain as many $100,000 donations as possible."
> (v) "Giving $100,000 to Group X would be a very smart idea."
> (vi) "Send all contributions to the following address * * *."
> (vii) "I am not permitted to ask for contributions, but unsolicited contributions will be accepted at the following address * * *."
> (viii) "Group X is having a fundraiser this week; you should go."
> (ix) "You have reached the limit of what you may contribute directly to my campaign, but you can further help my campaign by assisting the State party."
> (x) A candidate hands a potential donor a list of people who have contributed to a group and the amounts of their contributions. The candidate says, "I see you are not on the list."
> (xi) "I will not forget those who contribute at this crucial stage."
> (xii) "The candidate will be very pleased if we can count on you for $10,000
> (xiii) "Your contribution to this campaign would mean a great deal to the entire party and to me personally."
> (xiv) "Candidate says to potential donor: "The money you will help us raise will allow us to communicate our message to the voters through Labor Day."
> (xv) "I appreciate all you've done in the past for our party in this State. Looking ahead, we face some tough elections. I'd be very happy if you could maintain the same level of financial support for our State party this year."

(xvi) The head of Group X solicits a contribution from a potential donor in the presence of a candidate. The donor asks the candidate if the contribution to Group X would be a good idea and would help the candidate's campaign. The candidate nods affirmatively. *Id.* at 300.2(m)(2).

The Commission has made clear that although Super PACs are permitted to accept contributions outside the amount and source limitations of the Act, federal candidates and officeholders may still attend fundraisers for or even solicit contributions on behalf of Super PACs. *See* AO 2011-12 (Majority PAC and House Majority PAC). "So long as the officeholders … restrict any solicitations *they make* to funds subject to the limitations, prohibitions, and reporting requirements of the Act," the Commission gives wide latitude for officeholder/Super PAC interaction and participation. *See id.* at 4 (emphasis added).

Despite Complainant's creative description of the contents of the Ad and several-page commentary on the constitutionality of the soft money rules (which no one is contesting here), the facts of this matter are quite simple. In the leadup to the 2021 Georgia U.S. Senate runoff elections, the PAC posted the Ad on its social media. The Ad begins with a voiceover stating that the PAC is "solely responsible" for the content of the Ad. Representative Greene appears in the Ad and makes general statements about her political support for the PAC, the dangers of socialism, and the implications of a Democrat majority in the House and Senate. The Ad then cuts away from Representative Greene, who does not appear again. The voiceover returns and requests, among other things, that the viewer "donate now" and directs them to StopSocialismNowPAC.com/donate.[1]

No reasonable viewing of Representative Greene's statements in the Ad could conclude that her statements, either implicitly or explicitly, contained a "clear message asking, requesting, or recommending that another person make a contribution" to the PAC. Instead, Representative Greene's statements were limited to statements of political support of the PAC and implications of the Georgia runoff elections. Representative Greene's statements do not come remotely close to any of the sixteen examples of solicitations contained in Commission regulations. Further, Representative Greene did not participate in and was in no way involved with the portion of the Ad that contained the solicitation. Representative Greene did not review and/or approve the communication, which instead was reviewed and approved by the PAC's counsel. Much like attending a PAC fundraiser, Representative Greene made an appearance, gave general remarks of support, and left the event before others solicited contributions for the PAC. This is in clear compliance with the Commission guidance, and the Commission should find no reason to believe a violation occurred.

Even if the Commission concludes that a violation may have occurred, the Complaint should be dismissed because this matter does not warrant further use of Commission resources. A review of the PAC's periodic reports shows that between December 3, 2020, when the Ad was posted, and the date of the runoff elections, the PAC did not receive any corporate contributions and only one individual contribution over the federal limit. Aside from that lone $10,000

[1] Contrary to the Complaint's narrative, the website page to which the Ad directs the viewer does not actually contain a mechanism to contribute to the PAC nor does it automatically direct to such a page.

contribution, the PAC's receipts during this period were relatively small dollar individual contributions. In MUR 6866, the Commission dismissed a complaint alleging a violation of the soft money solicitation prohibition because it found "only $1,850 in identifiable federally prohibited funds apparently attributable to the fundraiser in question." Factual & Legal Analysis, MUR 6866 (Udall). Similarly here, at most only $5,000 in funds outside of the Act's amount limitations could possibly be attributed to Representative Greene's participation in the Ad. The Commission should decline to pursue such a small violation and dismiss the Complaint.

Respectfully submitted,

Derek H. Ross
Scott Gast
Counsel to Hon. Marjorie Taylor Greene

IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA

FILED IN OFFICE
DEC 22 2022
Glenda Waddell
CLERK

PERRY GREENE,

Petitioner,

vs.

MARJORIE GREENE,

Respondent.

CIVIL ACTION
FILE NO. 22CV01554

CONSENT FINAL JUDGMENT AND DECREE OF DIVORCE

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of the court that a total divorce be granted, that is to say, a divorce *a vinculo matrimonii*, between the parties to the above stated case upon legal principles.

It is considered, ordered, and decreed by the court that the marriage contract heretofore entered into between the parties to this case, from and after this date, be and is set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into.

Petitioner and Respondent in the future shall be held and considered as separate and distinct persons altogether unconnected by any nuptial union or civil contract whatsoever and both shall have the right to remarry.

All issues of property and liability division were fully settled by the Settlement Agreement entered by the parties on December 13, 2022. Each party maintains a true and accurate copy of the Settlement Agreement and Petitioner's counsel maintains the original executed Settlement Agreement. The Parties have agreed that the Settlement Agreement executed December 13, 2022, may be enforced by a motion to enforce the Settlement Agreement.

THE FINAL JUDGMENT AND DECREE OF DIVORCE is hereby entered and signed in open court this 2nd day of December 2022.

Hon. Bryan Thomas Johnson
Judge, Superior Court of Floyd County
Rome Judicial Circuit

Prepared by:

/s/Allen F. Harris
Allen F. Harris
Georgia Bar No. 329416
Attorney for Petitioner
HARRIS DIVORCE & FAMILY LAW
295 W. Crossville Rd., Ste. 540
Roswell, GA 30075
(404) 437-7597
aharris@harrisdivorcelaw.com

Consented to by:

Perry C. Greene (Dec 15, 2022 16:03 EST)
Perry Greene, Petitioner

Marjorie Greene (Dec 15, 2022 15:58 EST)
Marjorie Greene, Respondent

Filing ID #10046692

Financial Disclosure Report

Clerk of the House of Representatives • Legislative Resource Center • 135 Cannon Building • Washington, DC 20515

Filer Information

Name: Hon. Marjorie Taylor Greene
Status: Member
State/District: GA14

Filing Information

Filing Type: Annual Report
Filing Year: 2021
Filing Date: 05/16/2022

Schedule A: Assets and "Unearned" Income

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
AbbVie Inc. (ABBV) [ST]	JT	$15,001 - $50,000	Dividends	$1,001 - $2,500	☐
Activision Blizzard, Inc (ATVI) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	☐
Advanced Micro Devices, Inc. (AMD) [ST]	JT	$15,001 - $50,000	Dividends	None	☐
AFLAC Incorporated (AFL) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	☐
Airbnb, Inc. - Class A (ABNB) [ST]	JT	$1,001 - $15,000	Dividends	None	☐
Albemarle Corporation (ALB) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	☐
Alphabet Inc. - Class C Capital Stock (GOOG) [ST]	JT	None	Capital Gains	$5,001 - $15,000	☑
Amazon.com, Inc. (AMZN) [ST]	JT	None	Capital Gains	$5,001 - $15,000	☑
Amgen Inc. (AMGN) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
Apple Inc. (AAPL) [ST]	JT	$15,001 - $50,000	Capital Gains, Dividends	$15,001 - $50,000	☑
Applied Materials, Inc. (AMAT) [ST]	JT	$15,001 - $50,000	Dividends	$1 - $200	☐
AstraZeneca PLC - American Depositary Shares (AZN) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	☐
AT&T Inc. (T) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	☐
Bank of America Corporation (BAC) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Becton, Dickinson and Company (BDX) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	☐
Berkshire Hathaway Inc. New (BRK.B) [ST]	JT	$15,001 - $50,000	Dividends	None	☐
BHP Group Limited American Depositary Shares (BHP) [ST]	JT	$15,001 - $50,000	Dividends	$1,001 - $2,500	☐
BlackRock, Inc. (BLK) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Blackstone Inc. (BX) [ST]	JT	$15,001 - $50,000	Dividends	$1,001 - $2,500	☐
Block, Inc. Class A Common Stock, (SQ) [ST]	JT	$15,001 - $50,000	Dividends	None	☐
Broadcom Inc. (AVGO) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Cardinal Health, Inc. (CAH) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	☐
Caterpillar, Inc. (CAT) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Charles Schwab Corporation (SCHW) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Chevron Corporation (CVX) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Cisco Systems, Inc. (CSCO) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
Citigroup, Inc. (C) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	☐
Clorox Company (CLX) [ST]	JT	$15,001 - $50,000	Dividends	$1 - $200	☐
Coca-Cola Company (KO) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
ConocoPhillips (COP) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Corning Incorporated (GLW) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	☐
Costco Wholesale Corporation (COST) [ST]	JT	$15,001 - $50,000	Dividends	$1 - $200	☐
CRISPR Therapeutics AG - Common Shares (CRSP) [ST]	JT	$1,001 - $15,000	Dividends	None	☐
CVS Health Corporation (CVS) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
DC1 401k ⇒ 500 Index Fund [MF]		$1,001 - $15,000	None		☐
DC1 401k ⇒ Fidelity International Index [MF]		$1,001 - $15,000	None		☐
DC1 401k ⇒ Vangaurd Growth Index Fund [MF]		$1,001 - $15,000	None		☐
DC1 401k ⇒ Vangaurd Small Cap Index [MF]		$1,001 - $15,000	None		☐
DC1 IRA ⇒ Bank of America Corporation (BAC) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC1 IRA ⇒ Block, Inc. Class A Common Stock, (SQ) [ST]	DC	$1 - $1,000	None		☐
DC1 IRA ⇒ Intel Corporation (INTC) [ST]	DC	$1 - $1,000	Dividends	$1 - $200	☐
DC1 IRA ⇒ Johnson & Johnson (JNJ) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
DC1 IRA ⇒ lululemon athletica inc. (LULU) [ST]	DC	$1,001 - $15,000	None		☐
DC1 IRA ⇒ Pfizer, Inc. (PFE) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC1 IRA ⇒ Starbucks Corporation (SBUX) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC1 IRA ⇒ Tesla, Inc. (TSLA) [ST]	DC	$1,001 - $15,000	None		☐
DC1 IRA ⇒ Walt Disney Company (DIS) [ST]	DC	$1 - $1,000	None		☐
DC2 401k ⇒ 500 Index Fund [MF]		$1,001 - $15,000	None		☐
DC2 401k ⇒ Fidelity International Index [MF]		$1,001 - $15,000	None		☐
DC2 401k ⇒ Pfizer, Inc. (PFE) [ST]		$1,001 - $15,000	None		☐
DC2 401k ⇒ Vangaurd Growth Index Fund [MF]		$1,001 - $15,000	None		☐
DC2 401k ⇒ Vangaurd Small Cap Index [MF]		$1,001 - $15,000	None		☐
DC2 IRA ⇒ Bank of America Corporation (BAC) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC2 IRA ⇒ Block, Inc. Class A Common Stock, (SQ) [ST]	DC	$1 - $1,000	None		☐
DC2 IRA ⇒ Coca-Cola Company (KO) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC2 IRA ⇒ Costco Wholesale Corporation (COST) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC2 IRA ⇒ Intel Corporation (INTC) [ST]	DC	$1 - $1,000	Dividends	$1 - $200	☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
DC2 IRA ⇒ Johnson & Johnson (JNJ) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC2 IRA ⇒ lululemon athletica inc. (LULU) [ST]	DC	$1,001 - $15,000	None		☐
DC2 IRA ⇒ Tesla, Inc. (TSLA) [ST]	DC	$1,001 - $15,000	None		☐
DC3 401k ⇒ 500 Index Fund [MF]	DC	$1,001 - $15,000	None		☐
DC3 401k ⇒ Fidelity Intenational Index [MF]	DC	$1,001 - $15,000	None		☐
DC3 401k ⇒ Vangaurd Growth Index Fund [MF]	DC	$1,001 - $15,000	None		☐
DC3 401k ⇒ Vangaurd Small Cap Index [MF]	DC	$1,001 - $15,000	None		☐
DC3 IRA ⇒ Block, Inc. Class A Common Stock, (SQ) [ST]	DC	$1 - $1,000	None		☐
DC3 IRA ⇒ Caterpillar, Inc. (CAT) [ST]	DC	$1 - $1,000	Dividends	$1 - $200	☐
DC3 IRA ⇒ Coca-Cola Company (KO) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC3 IRA ⇒ Johnson & Johnson (JNJ) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC3 IRA ⇒ Nestle SA Sponsored ADR representing Registered Shares Series B (NSRGY) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC3 IRA ⇒ Southern Company (SO) [ST]	DC	$1,001 - $15,000	Dividends	$1 - $200	☐
DC3 IRA ⇒ Tesla, Inc. (TSLA) [ST]	DC	$1,001 - $15,000	None		☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
DC3 IRA ⇒ Truist Financial Corporation (TFC) [ST]	DC	$1 - $1,000	Dividends	$1 - $200	☐
DC3 IRA ⇒ Walt Disney Company (DIS) [ST]	DC	$1 - $1,000	None		☐
Diageo plc (DEO) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Digital World Acquisition Corp. - Class A (DWAC) [ST]	JT	$1,001 - $15,000	Dividends	None	☐
DraftKings Inc. - Class A (DKNG) [ST]	JT	$1,001 - $15,000	Dividends	None	☐
Electronic Arts Inc. (EA) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	☐
FedEx Corporation (FDX) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
General Dynamics Corporation (GD) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
General Electric Company (GE) [ST]	JT	$15,001 - $50,000	Dividends	$1 - $200	☐
General Mills, Inc. (GIS) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Gilead Sciences, Inc. (GILD) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	☐
GlaxoSmithKline PLC (GSK) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Goldman Sachs Group, Inc. (GS) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Greene Raliegh Gardens LLC [RP]	SP	$100,001 - $250,000	Distribution	$15,001 - $50,000	☐
LOCATION: Raliegh, NC, US DESCRIPTION: Sole asset is investment interest in apartment complex located in Raleigh, NC					
Home Depot, Inc. (HD) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Host Hotels (HST) [ST]	JT	$1,001 - $15,000	Dividends	None	☐
Intel Corporation (INTC) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
International Paper Company (IP) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	☐
J.M. Smucker Company (SJM) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Johnson & Johnson (JNJ) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
JP Morgan Chase & Co. (JPM) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Kids college fund ⇒ Path2College DC1 [5P] LOCATION: GA	JT	$1,001 - $15,000	Tax-Deferred		☐
Kids college fund ⇒ Path2College DC2 [5P] LOCATION: GA	JT	$15,001 - $50,000	Tax-Deferred		☐
Kids college fund ⇒ Path2College DC3 [5P] LOCATION: GA	JT	$15,001 - $50,000	Tax-Deferred		☐
Kinder Morgan, Inc. (KMI) [ST]		$15,001 - $50,000	Dividends	$1,001 - $2,500	☐
Lockheed Martin Corporation (LMT) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
lululemon athletica inc. (LULU) [ST]	JT	$1,001 - $15,000	Dividends	None	☐
Marconi Drive Office, Inc. [RP] LOCATION: Alpharetta/ Fulton, GA, US	JT	$1,000,001 - $5,000,000	Rent	$100,001 - $1,000,000	☐
Marjorie 401K ⇒ 500 Index Fund [MF]		$100,001 - $250,000	None		☐
Marjorie 401K ⇒ Fidelity International Index [MF]		$100,001 - $250,000	None		☐
Marjorie 401K ⇒ Vangaurd Growth Index Fund [MF]		$100,001 - $250,000	None		☐
Marjorie 401K ⇒		$100,001 -	None		☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
Vangaurd Small Cap Index [MF]		$250,000			
Marjorie IRA ⇒ IRA Money Market [IH]		$1,001 - $15,000	None		
Marjorie IRA ⇒ iShares Core MSCI Emerging Markets ETF (IEMG) [ST]		$1,001 - $15,000	Dividends	$1 - $200	
Marjorie IRA ⇒ iShares Core MSCI Total International Stock ETF (IXUS) [ST]		$1,001 - $15,000	Dividends	$201 - $1,000	
Marjorie IRA ⇒ iShares Core S&P 500 ETF (IVV) [ST]		$15,001 - $50,000	Dividends	$201 - $1,000	
Marjorie IRA ⇒ iShares Core S&P Small-Cap ETF (IJR) [ST]		$1,001 - $15,000	Dividends	$201 - $1,000	
Marjorie IRA ⇒ iShares Core S&P U.S. Growth ETF (IUSG) [ST]		$15,001 - $50,000	Dividends	$1 - $200	
McDonald's Corporation (MCD) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	
Medtronic plc. Ordinary Shares (MDT) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	
MercadoLibre, Inc. (MELI) [ST]	JT	$15,001 - $50,000	Dividends	None	
Meta Platforms, Inc. - Class A (FB) [ST]	JT	None	Capital Gains	$5,001 - $15,000	☑
Microsoft Corporation (MSFT) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	
Mondelez International, Inc. - Class A (MDLZ) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	
Nestle SA Sponsored ADR representing Registered Shares Series B (NSRGY) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	
Netflix, Inc. (NFLX) [ST]	JT	$15,001 - $50,000	Dividends	None	
NextEra Energy, Inc. (NEE) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
NVIDIA Corporation (NVDA) [ST]	JT	$50,001 - $100,000	Dividends	$1 - $200	☐
PayPal Holdings, Inc. (PYPL) [ST]	JT	$15,001 - $50,000	Dividends	None	☐
Penn National Gaming, Inc. (PENN) [ST]	JT	$1,001 - $15,000	Dividends	None	☐
Perry 401K ⇒ 500 Index Fund [MF]	SP	$100,001 - $250,000	None		☐
Perry 401K ⇒ Fidelity International Index [MF]	SP	$100,001 - $250,000	None		☐
Perry 401K ⇒ Vangaurd Growth Index Fund [MF]	SP	$100,001 - $250,000	None		☐
Perry 401K ⇒ Vangaurd Small Cap Index [MF]	SP	$100,001 - $250,000	None		☐
Perry IRA ⇒ Alphabet Inc. - Class C Capital Stock (GOOG) [ST]	SP	None	Tax-Deferred		☑
Perry IRA ⇒ Amazon.com, Inc. (AMZN) [ST]	SP	None	Tax-Deferred		☑
Perry IRA ⇒ Amgen Inc. (AMGN) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Apple Inc. (AAPL) [ST]	SP	None	Tax-Deferred		☑
Perry IRA ⇒ Bank of America Corporation (BAC) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Beazer Homes USA, Inc. (BZH) [ST]	SP	$1,001 - $15,000	Rent	None	☐
Perry IRA ⇒ BHP Group Limited American Depositary Shares (BHP) [ST]	SP	$1,001 - $15,000	Dividends	$201 - $1,000	☐
Perry IRA ⇒ Bristol-Myers Squibb Company (BMY) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
Perry IRA ⇒ Broadcom Inc. (AVGO) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Charles Schwab Corporation (SCHW) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Cisco Systems, Inc. (CSCO) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Coca-Cola Company (KO) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Digital Realty Trust, Inc. (DLR) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Exxon Mobil Corporation (XOM) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Gilead Sciences, Inc. (GILD) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Goldman Sachs Group, Inc. (GS) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ lululemon athletica inc. (LULU) [ST]	SP	$1,001 - $15,000	Dividends	None	☐
Perry IRA ⇒ Meta Platforms, Inc. - Class A (FB) [ST]	SP	None	Tax-Deferred		☑
Perry IRA ⇒ Nestle SA Sponsored ADR representing Registered Shares Series B (NSRGY) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ PagSeguro Digital Ltd. Class A Common Shares (PAGS) [ST]	SP	$1,001 - $15,000	Dividends	None	☐
Perry IRA ⇒ Penn National Gaming, Inc. (PENN) [ST]	SP	$1,001 - $15,000	Dividends	None	☐
Perry IRA ⇒ Pfizer, Inc. (PFE) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
Perry IRA ⇒ QUALCOMM Incorporated (QCOM) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Schwab IRA Cash - Spouse [IH]	SP	$1,001 - $15,000	None		☐
Perry IRA ⇒ Taiwan Semiconductor Manufacturing Company Ltd. (TSM) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Tesla, Inc. (TSLA) [ST]	SP	$1,001 - $15,000	Dividends	None	☐
Perry IRA ⇒ United Parcel Service, Inc. (UPS) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Vulcan Materials Company (VMC) [ST]	SP	$1,001 - $15,000	Dividends	$1 - $200	☐
Perry IRA ⇒ Walt Disney Company (DIS) [ST]	SP	$1,001 - $15,000	Dividends	None	☐
Pfizer, Inc. (PFE) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Procter & Gamble Company (PG) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
QTS Realty Trust, Inc. Class A (QTS) [ST]	JT	None	Capital Gains	$2,501 - $5,000	☑
QUALCOMM Incorporated (QCOM) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Raytheon Technologies Corporation (RTX) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Salesforce, Inc. (CRM) [ST]	JT	$1,001 - $15,000	Dividends	None	☐
Schwab Custodial Money Market [BA]	DC	$1,001 - $15,000	None		☐
Schwab Joint Money Market [BA]	JT	$250,001 - $500,000	Interest	$1 - $200	☐
Seagate Technology Holdings PLC - Ordinary Shares (STX) [ST]	JT	$1,001 - $15,000	Dividends	$1 - $200	☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
Second Home [RP] LOCATION: Alpharetta / Fulton, GA, US	SP	$1,000,001 - $5,000,000	None		☐
ServiceNow, Inc. (NOW) [ST]	JT	$15,001 - $50,000	Dividends	None	☐
Southern Company (SO) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Southern Copper Corporation (SCCO) [ST]	JT	$15,001 - $50,000	Dividends	$2,501 - $5,000	☐
Starbucks Corporation (SBUX) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Taiwan Semiconductor Manufacturing Company Ltd. (TSM) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Target Corporation (TGT) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
Taylor Commercial, Inc., 49% Interest [OL] LOCATION: Alpharetta/ Fulton, GA, US DESCRIPTION: Family owned business	SP	$5,000,001 - $25,000,000	Ownership Distribution	$100,001 - $1,000,000	☐
Taylor Commercial, Inc., 51% Interest [OL] LOCATION: Alpharetta / Fulton, GA, US DESCRIPTION: Family owned business		$5,000,001 - $25,000,000	Ownership Distribution	$100,001 - $1,000,000	☐
Tesla, Inc. (TSLA) [ST]	JT	$15,001 - $50,000	Dividends	None	☐
Truist Financial Corporation (TFC) [ST]	JT	None	Capital Gains	$1,001 - $2,500	☑
United Parcel Service, Inc. (UPS) [ST]	JT	$15,001 - $50,000	Dividends	$201 - $1,000	☐
US Treasury Bill [GS]	JT	$250,001 - $500,000	Interest	None	☐
Visa Inc. (V) [ST]	JT	$15,001 - $50,000	Dividends	$1 - $200	☐
Vulcan Materials Company (VMC) [ST]	JT	$15,001 - $50,000	Dividends	$1 - $200	☐

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > $1,000?
Walgreens Boots Alliance, Inc. (WBA) [ST]	JT	$1,001 - $15,000	Dividends	$201 - $1,000	☐
Walmart Inc. (WMT) [ST]	JT	$15,001 - $50,000	Dividends	$1 - $200	☐
Walt Disney Company (DIS) [ST]	JT	$15,001 - $50,000	Dividends	None	☐
Wells Fargo Checking [BA]	JT	$250,001 - $500,000	Interest	$201 - $1,000	☐
Zscaler, Inc. (ZS) [ST]	JT	$15,001 - $50,000	Dividends	None	☐

* Asset class details available at the bottom of this form. For the complete list of asset type abbreviations, please visit https://fd.house.gov/reference/asset-type-codes.aspx.

Schedule B: Transactions

Asset	Owner	Date	Tx. Type	Amount	Cap. Gains > $200?
Alphabet Inc. - Class C Capital Stock (GOOG) [ST]	JT	12/31/2021	S	$15,001 - $50,000	☑
Amazon.com, Inc. (AMZN) [ST]	JT	12/31/2021	S	$15,001 - $50,000	☑
Apple Inc. (AAPL) [ST]	JT	12/31/2021	S (partial)	$15,001 - $50,000	☑
General Electric Company (GE) [ST]	JT	12/31/2021	S (partial)	$1,001 - $15,000	☐
Medical Marijuana, Inc. (MJNA) [ST]	JT	12/31/2021	S	$1,001 - $15,000	☐
Meta Platforms, Inc. - Class A (FB) [ST]	JT	12/31/2021	S	$15,001 - $50,000	☑
PagSeguro Digital Ltd. Class A Common Shares (PAGS) [ST]	JT	12/31/2021	S	$1,001 - $15,000	☐
Perry IRA ⇒ Alphabet Inc. - Class C Capital Stock (GOOG) [ST]	SP	12/31/2021	S	$1,001 - $15,000	☑
Perry IRA ⇒	SP	12/31/2021	S	$1,001 - $15,000	☑

Asset	Owner	Date	Tx. Type	Amount	Cap. Gains > $200?
Amazon.com, Inc. (AMZN) [ST]					
Perry IRA ⇒ Apple Inc. (AAPL) [ST]	SP	12/31/2021	S	$1,001 - $15,000	☑
Perry IRA ⇒ Meta Platforms, Inc. - Class A (FB) [ST]	SP	12/31/2021	S	$1,001 - $15,000	☑
QTS Realty Trust, Inc. Class A (QTS) [ST]	JT	12/31/2021	S	$1,001 - $15,000	☑
Rackspace Technology, Inc. (RXT) [ST]	JT	12/31/2021	S	$1,001 - $15,000	☐
Softbank Corp Unsponsored ADR (SFTBY) [ST]	JT	12/31/2021	S	$1,001 - $15,000	☐
Sylvamo Corporation (SLVM) [ST]	JT	12/31/2021	S	$1,001 - $15,000	☐
The Kraft Heinz Company (KHC) [ST]	JT	12/31/2021	S	$1,001 - $15,000	☐
Truist Financial Corporation (TFC) [ST]	JT	12/31/2021	S	$1,001 - $15,000	☑

* Asset class details available at the bottom of this form. For the complete list of asset type abbreviations, please visit https://fd.house.gov/reference/asset-type-codes.aspx.

Schedule C: Earned Income

Source	Type	Amount
Taylor Commercial, Inc.	Spouse Salary	N/A

Schedule D: Liabilities

Owner	Creditor	Date Incurred	Type	Amount of Liability
JT	UCB	2020	Loan for property for Marconi Drive Offices, LLC	$250,001 - $500,000
JT	UCB	2019	Residential home mortgage	$250,001 - $500,000

Schedule E: Positions

None disclosed.

Schedule F: Agreements

None disclosed.

Schedule G: Gifts

None disclosed.

Schedule H: Travel Payments and Reimbursements

None disclosed.

Schedule I: Payments Made to Charity in Lieu of Honoraria

None disclosed.

Schedule A and B Asset Class Details

- DC1 401k
- DC1 IRA (Owner: DC)
- DC2 401k
- DC2 IRA (Owner: DC)
  Description: Taylor's IRA
- DC3 401k (Owner: DC)
- DC3 IRA (Owner: DC)
  Description: Derek's IRA
- Kids college fund (Owner: JT)
  Location: GA
- Marjorie 401K
- Marjorie IRA
- Perry 401K (Owner: SP)
- Perry IRA (Owner: SP)

Exclusions of Spouse, Dependent, or Trust Information

IPO: Did you purchase any shares that were allocated as a part of an Initial Public Offering?

○ Yes ◉ No

Trusts: Details regarding "Qualified Blind Trusts" approved by the Committee on Ethics and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or dependent child?

○ Yes ◉ No

Exemption: Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption?

○ Yes ◉ No

Certification and Signature

☑ I CERTIFY that the statements I have made on the attached Financial Disclosure Report are true, complete, and correct to the best of my knowledge and belief.

Digitally Signed: Hon. Marjorie Taylor Greene , 05/16/2022

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER: (check only one)
☐ 11a ☐ 11b ☐ 11c ☐ 11d
☐ 12 ☐ 13a ☐ 13b ☒ 14 ☐ 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
GREENE FOR CONGRESS INC.

A.
Full Name (Last, First, Middle Initial)
YIANNOPOULOS, MILO, , ,
Mailing Address 10550 NW 63RD TERR
City: DORAL | State: FL | Zip Code: 33178
FEC ID number of contributing federal political committee: C
Name of Employer: CHURCH MILITANT
Occupation: JOURNALIST
Receipt For: 2024
☒ Primary ☐ General
☐ Other (specify) ▼
Election Cycle-to-Date ▼ 7020.16

Date of Receipt: 05 / 12 / 2023
Transaction ID : R5EAXGN8WYRHFQ3W9WI
Amount of Each Receipt this Period: 7020.16
☐ Memo Item
REIMBURSEMENT FOR USE OF CAMPAIGN CREDIT CARD FOR PERSONAL EXPENSE
REIMBURSEMENT FOR USE OF CAMPAIGN CREDIT CARD FOR PERSONAL EXPENSE

B.
Full Name (Last, First, Middle Initial)
Mailing Address
City | State | Zip Code
FEC ID number of contributing federal political committee: C
Name of Employer | Occupation
Receipt For:
☐ Primary ☐ General
☐ Other (specify) ▼
Election Cycle-to-Date ▼

Date of Receipt: M M / D D / Y Y Y Y
Amount of Each Receipt this Period
☐ Memo Item

C.
Full Name (Last, First, Middle Initial)
Mailing Address
City | State | Zip Code
FEC ID number of contributing federal political committee: C
Name of Employer | Occupation
Receipt For:
☐ Primary ☐ General
☐ Other (specify) ▼
Election Cycle-to-Date ▼

Date of Receipt: M M / D D / Y Y Y Y
Amount of Each Receipt this Period
☐ Memo Item

SUBTOTAL of Receipts This Page (optional) ▶ 7020.16

TOTAL This Period (last page this line number only) ▶ 7020.16

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ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

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NAME OF COMMITTEE (In Full)
GREENE FOR CONGRESS INC.

A.
Full Name (Last, First, Middle Initial)
YIANNOPOULOS, MILO, , ,
Mailing Address 10550 NW 63RD TERR
City: DORAL | State: FL | Zip Code: 33178
FEC ID number of contributing federal political committee: C
Name of Employer: CHURCH MILITANT
Occupation: JOURNALIST
Receipt For: 2024
☒ Primary ☐ General
☐ Other (specify) ▼
Election Cycle-to-Date ▼ 7020.16

Date of Receipt: 05 / 12 / 2023
Transaction ID : R5EAXGN8WYRHFQ3W9WI
Amount of Each Receipt this Period: 7020.16
☐ Memo Item
REIMBURSEMENT FOR USE OF CAMPAIGN CREDIT CARD FOR PERSONAL EXPENSE
REIMBURSEMENT FOR USE OF CAMPAIGN CREDIT CARD FOR PERSONAL EXPENSE

B.
Full Name (Last, First, Middle Initial)
Mailing Address
City | State | Zip Code
FEC ID number of contributing federal political committee: C
Name of Employer | Occupation
Receipt For:
☐ Primary ☐ General
☐ Other (specify) ▼
Election Cycle-to-Date ▼

Date of Receipt: M M / D D / Y Y Y Y
Amount of Each Receipt this Period
☐ Memo Item

C.
Full Name (Last, First, Middle Initial)
Mailing Address
City | State | Zip Code
FEC ID number of contributing federal political committee: C
Name of Employer | Occupation
Receipt For:
☐ Primary ☐ General
☐ Other (specify) ▼
Election Cycle-to-Date ▼

Date of Receipt: M M / D D / Y Y Y Y
Amount of Each Receipt this Period
☐ Memo Item

SUBTOTAL of Receipts This Page (optional) ▶ 7020.16

TOTAL This Period (last page this line number only) ▶ 7020.16

IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA

PERRY GREENE,

Petitioner,

vs.

MARJORIE GREENE,

Respondent.

CIVIL ACTION
FILE NO. _____

ACKNOWLEDGMENT OF SERVICE OF PROCESS

The undersigned Respondent hereby acknowledges service of the above ***Petition for Divorce, Automatic Domestic Standing Order, Domestic Relations Case Filing Information Form, Summons, and Motion to Seal*** and states that Respondent has received a copy of said documents. Respondent waives any and all further service, and issuance of process.

This 27 day of September 2022.

MARJORIE GREENE

Sworn to and signed before me, this
27 day of September 2022.

NOTARY PUBLIC
My commission expires:

GEOFFREY L THOMASON
NOTARY PUBLIC
Forsyth County
State of Georgia
My Comm. Expires November 13, 2025

IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA

PERRY GREENE,

Petitioner,

vs.

MARJORIE GREENE,

Respondent.

CIVIL ACTION
FILE NO. _____

MOTION TO FILE UNDER SEAL IN CIVIL ACTION

COMES NOW Petitioner, PERRY GREENE, and moves this Honorable Court to allow all the Petition for Divorce, this Motion, and all future filings in this case to be filed under seal and to enter an Order restraining parties, attorneys, witnesses, and court personnel from releasing information to the public concerning the proceedings relating to the above styled action. In support of his Motion the Petitioner shows this Honorable Court the following:

I.

Statement of Facts

1.

WHEREAS, a *Petition for Divorce* is being filed contemporaneously with this Motion;

WHEREAS, the *Petition* and future pleadings, testimony, and evidence are anticipated to contain confidential and sensitive information regarding the parties;

WHEREAS, Petitioner is concerned the public's access to confidential and sensitive information will negatively impact the parties' privacy interests.

II.

Argument and Citation to Authority

1. The Court may limit access to civil action files upon motion by a party.

Under Uniform Superior Court Rule 21.1, "[u]pon motion by any party to any civil action, after hearing, the court may limit access to court files respecting that action. The order of limitation shall specify the part of the file to which access is limited, the nature and duration of the limitation, and the reason for limitation."

The Petitioner seeks to seal and limit the access to any and all documents filed in the above-styled matter, pursuant to Uniform Superior Court Rule 21.1.

2. The Court should allow all filings be inside under seal in this case because the parties' significant privacy interest in sealing the records outweighs the public's miniscule interest in access to said records.

The Petitioner shows that he expects there will be certain pleadings, affidavits, and other documents filed in this case such that the record will contain sensitive personal and financial information, the public disclosure of which would negatively impact the parties' privacy interests.

Any interest the public may have in accessing the parties' private financial matters is insignificant and substantially outweighed by the parties' privacy interests at stake.

Uniform Superior Court Rule 21.5. The Petitioner respectfully requests that all future filings be filed under seal and that the entire file (including, but not be limited to, any temporary or final orders, financial affidavits, settlement agreements, testimony transcripts, any findings of fact, motions, pleadings, responses, and discovery responses that may be filed in this case) be sealed from public access for a period of no less than twenty-five (25) years, or until an order amending this Order is entered pursuant to Uniform Superior Court Rule 21.5.

WHEREFORE, the Petitioner prays that this Honorable Court:

(a) Find that the potential harm resulting to the parties in this case as a result of the public scrutiny of the court file outweighs the public's interest in immediate access to the court file;

(b) Order that all future pleadings, orders, affidavits, etc. be filed under seal;

(c) Order that upon proper motion to this Court by either party, the Court may grant access to the pleadings in the above-styled matter, thereby permitting access to the information under appropriate circumstances;

(d) Order that all pleadings and documents in the above-styled matter be sealed from public access and viewing;

(e) Order that these records be sealed for a period of twenty-five (25) years from the date of the granting of the Order or until an order amending this Order is entered pursuant to Uniform Superior Court Rule 21.5;

(f) That the parties, attorneys, witnesses and court personnel are hereby

Do Not Separate From Document

CORRESPONDENCE CONTROL SLIP Federal Election Commission

Greene For Congress Inc
P O Box 1575
Roswell Ga 30077

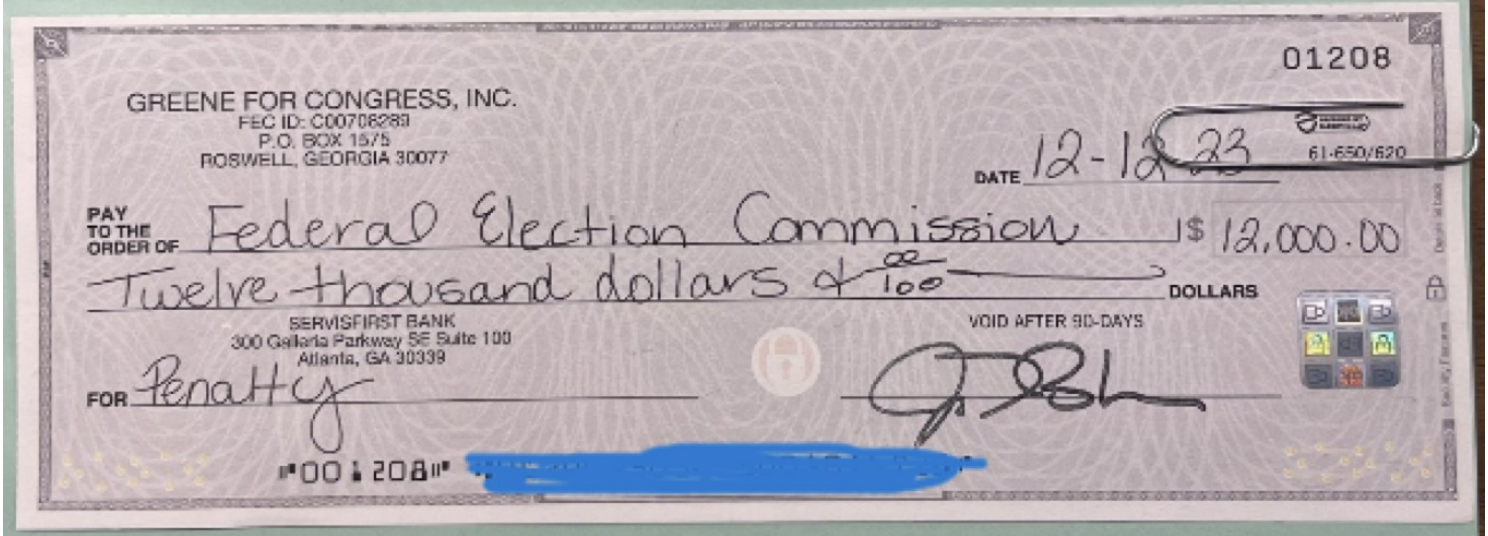
Subject of Correspondence
MUR 7908 $ 12,000.00 CK

Receipt Date	Suspense Date
12/14/2023	01/04/2024

Route to	of
1. General Counsel	General Counsel
2.	
3.	
4.	

Special Instructions

Suspense No 003224 FEC Form 10-17 (Revised October 1995)



January 04, 2024

TWO WAY MEMORANDUM

TO: OGC Docket
FROM: Anh Vuong
Financial Analyst

SUBJECT: Account Determination for Funds Received

We recently received a check from Greene for Congress Inc. The check number is 01208. **Dated 12/12/2023** in the amount of **$12,000.00** a copy of the receipt and all correspondence are attached. Please indicate below which account the funds should be deposited and give the MUR/ Case number and name associated with the deposit.

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TO: Anh Vuong
Financial Analyst
FROM: OGC Docket

SUBJECT: Disposition of Funds Received

In reference to the above check in the amount of $ 12,000.00 ,
The MUR/Case number is 7908 and in the name of Majorie Taylor Greene .
Please this deposit in the account indicated below:

x Civil Penalties Account, 95-1099.160

___ Miscellaneous Receipt Account, 95-3220.160
(Disgorgement)

_____ 1/04/2024
Signature Date

Fordham Law Voting Rights and Democracy Forum

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Taking History Seriously: Marjorie Taylor Greene, Reflections on Progressive Lawyering, and Section 3 of the Fourteenth Amendment

Andrew G. Celli Jr.

TAKING HISTORY SERIOUSLY: MARJORIE TAYLOR GREENE, REFLECTIONS ON PROGRESSIVE LAWYERING, AND SECTION 3 OF THE FOURTEENTH AMENDMENT

*Andrew G. Celli, Jr.**

History has lessons to teach, and lawyers can learn from and use history in ways other than by cherry-picking from it. This Article contends that, while American history may be vexed, progressive lawyers can fully embrace history and hold it up into the light for consideration, all in service of progressive ends.

This Article describes a recent litigation that illustrates the point. In March 2022, the Author, together with other lawyers and a non-partisan pro-democracy group, represented voters from Georgia's fourteenth congressional district in their effort to disqualify U.S. Representative Marjorie Taylor Greene from the Georgia ballot—based upon Section 3 of the Fourteenth Amendment of the U.S. Constitution. The effort involved an exploration of the history of insurrections in the early Republic, the year and the symbol "1776," and the Fourteenth Amendment itself. The Author offers reflections and lessons from that experience.

INTRODUCTION

What is the proper role of history in progressive lawyering? It is a question well-suited for the leafy precincts of a law school academic conference, but it is of little practical significance for private law firm civil rights litigators like me. We represent individual clients in individual cases. Our job is to win. If history can help, we'll take it; if it can't, we'll move on and look elsewhere

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for support. This approach is known as "law office history"[1]—a polite way of describing the practice of cherry-picking historical facts in service of a desired outcome. This Article is not about that. This Article is about taking history seriously—and comprehensively, on its own terms—and deploying it expansively in the context of day-to-day litigation. It suggests that our American history, vexed as it may be, has lessons to teach us that can be used in civil rights litigation for progressive ends.

These issues arose in my own practice in March 2022. Together with lawyers from the nonpartisan pro-democracy group Free Speech for People ("FSFP") and Atlanta-based voting rights lawyer Bryan Sells, I represented voters from Georgia's fourteenth congressional district in their effort to disqualify U.S. Representative Marjorie Taylor Greene from the Georgia ballot—based upon Section 3 of the Fourteenth Amendment of the U.S. Constitution.[2] This Article discusses the role that history played in that effort. In writing about this case, I suggest that a broad understanding of history can—and should—be applied to the practice of progressive lawyering. My thinking is derived not from deep scholarship, but from my practical experience as a litigator and my personal interest in American history. The specific experience I use as the touchstone here, the Greene hearing,[3] occurred not in the Highest Court in the Land in Washington, D.C., but in one of the lowest—a state administrative tribunal—in the Deep South.

Few undertakings in legal writing are more fraught than when a lawyer tries to distill universal lessons from a single courtroom experience. I will do my best to avoid that trap. My goal is modest: to offer my experience as a reminder that history is not the exclusive province of partisan judges or lawyers, especially those on the ideological right. History belongs to everyone, and it

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[1] *See* Alfred H. Kelly, *Clio and the Court: An Illicit Love Affair*, 1965 SUP. CT. REV. 119, 122 (1965) (coining the term "law office history"); Saul Cornell, *Heller, New Originalism, and Law Office History: "Meet the New Boss, Same as the Old Boss,"* 56 UCLA L. REV. 1095, 1098 (2009) (describing "law office history" as "a results oriented methodology" where data "is selectively gathered and interpreted to produce a preordained conclusion").

[2] *See* Notice of Candidacy Challenge, *In re* Challenge to the Constitutional Qualifications of Rep. Marjorie Taylor Greene, No. 2222582-OSAH-SECSTATE-CE-57-Beaudrot (Mar. 24, 2022). *See generally Georgia Voters Challenge Rep. Marjorie Taylor Greene's Candidacy for Re-election Under Fourteenth Amendment's Insurrectionist Disqualification Clause*, FREE SPEECH FOR PEOPLE (Mar. 24, 2022), https://freespeechforpeople.org/georgia-voters-challenge-rep-marjorie-taylor-greenes-candidacy-for-re-election-under-fourteenth-amendments-insurrectionist-disqualification-clause [https://perma.cc/8DXK-RP8T] (explaining the challenge against Representative Greene).

[3] *See* Transcript of Oral Argument, Rowan et al. v. Greene, 2222582-OSAH-SECSTATE-CE-57-Beaudrot (2022) (No. 2222582) [hereinafter Greene Hearing Transcript].

can, when considered properly, serve to support important and progressive goals, sometimes in surprising ways.

This Article proceeds as follows. Part I frames the "problem" by touching briefly on progressives' suspicion of history, and how conservative partisans have hijacked history for their own ends. It is an unhappy saga that finds its apotheosis in *Dobbs v. Jackson Women's Health Organization*.[4] Part II discusses two discrete historical questions that stood at the center of our efforts to disqualify Representative Greene from the Georgia ballot: the meaning of the word "insurrection" under Section 3 of the Fourteenth Amendment, and the import of the term "1776" as used in the run-up to the January 6, 2021, attack on the U.S. Capitol. Lastly, in Part III, I suggest that the Greene experience, like all litigations, does have lessons to teach. These lessons may not be for universal application, but they are part of the learning that we achieve in cases at common law, win, lose, or draw.

I. THE "PROBLEM" OF HISTORY

In the search for answers and support, progressive lawyers rarely turn first to history—and with good reason. American history is punctuated by horrors: chattel slavery; the subjugation of native peoples; racism, xenophobia, eugenics, and Jim Crow; and the marginalization of women. These are central, inescapable features of our national story and, in these ways, our history runs counter to our contemporary values. Privileging history risks making us complicit, after the fact, in validating, ignoring, or excusing what can never be validated, forgotten, or excused.

Moreover, in the legal field, quite differently from the field of historical study itself,[5] history has been hijacked to serve a specific ideological agenda. Under the banner of "originalism," conservative judges and lawyers have embarked upon a decades-long project of seeking to render history their exclusive province, of deploying history—or their *version* of history—to justify what are, at base, policy judgments rooted in ideology and religion.[6] The *Dobbs* decision, with its appeal to "700 years of 'Anglo-American common law,'" its invocations of centuries-old commentaries in a case about contemporary women's rights, and its stubborn

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[4] *See generally* Dobbs v. Jackson Women's Health Org., 142 S. Ct. 2228 (2022).

[5] *See, e.g.*, JOHN HOPE FRANKLIN, FROM SLAVERY TO FREEDOM (McGraw-Hill ed., 7th ed. 1994) (1947); HOWARD ZINN, A PEOPLE'S HISTORY OF THE UNITED STATES (Harper & Row ed., 1st ed. 1980).

[6] *See, e.g.*, *Dobbs*, 142 S. Ct. at 2246-49. *Compare* District of Columbia v. Heller, 554 U.S. 570 (2008) (ruling that the Second Amendment's text, and its drafting history, demonstrate that it connotes an individual right to keep and bear arms) *with* Saul Cornell, *Originalism on Trial: The Use and Abuse of History in* District of Columbia v. Heller, 69 OHIO ST. L.J. 625 (2008).

insistence on spelling the word "fetus" in the medieval style—is the most recent example of this approach, and one of the more egregious ones.[7]

The overall effect has been to stigmatize history. Consider, for example, a recent editorial in the *New York Times* by two progressive law professors, Ryan D. Doerfler and Samuel Moyn.[8] They argue that constitutionalism—the idea that the Constitution stands above ordinary laws as a guarantor of liberty—should be abandoned because it "inevitably orient[s] us to the past" in a way that supports conservative legal outcomes.[9] To those who seek an expansive reading of the law—one that welcomes all people, experiences, and points of view into a diverse and tolerant polity—history can look like a poison, a thing to be avoided. No good can come of it.

But is that really true? Although it is certainly the case that, in recent decades, conservative outcomes have found support in history, is that, as Professors Doerfler and Moyn suggest, "inevitable"?[10] Is history a dead end for progressives? The experience of the Greene disqualification hearing suggests that the answer to these questions is no.

II. SECTION 3 OF THE 14TH AMENDMENT: HISTORY AND A CONTEMPORARY APPLICATION

If Reconstruction was America's "second founding,"[11] the Reconstruction Amendments[12]—and the Fourteenth Amendment in particular—constitute the Nation's post-slavery Bill of Rights. Ratified in 1868, the Fourteenth Amendment guarantees birthright citizenship, due process, and equal protection under the law to all persons in the United States.[13] These simple yet profound principles are enshrined in Section 1 of the Amendment and generally well-understood. But, until quite recently, very few people had studied or considered the implications of the Amendment's Section 3.[14]

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[7] *See Dobbs*, 142 S. Ct. at 2247.

[8] Ryan D. Doerfler & Samuel Moyn, Opinion, *The Constitution Is Broken and Should Not Be Reclaimed*, N.Y. TIMES (Aug. 19, 2022), https://www.nytimes.com/2022/08/19/opinion/liberals-constitution.html [https://perma.cc/LCU4-CPAG].

[9] *Id.*

[10] *See id*.

[11] *See, e.g.*, ERIC FONER, THE SECOND FOUNDING: HOW THE CIVIL WAR AND RECONSTRUCTION REMADE THE CONSTITUTION (W.W. Norton & Co. ed., 2019).

[12] *See, e.g.*, U.S. CONST. amend. XIII (prohibiting slavery); *id.* amend. XIV (due process and equal protection); *id.* amend. XV (voting rights).

[13] *Id.* amend. XIV, § 1.

[14] *See* Mark A. Graber, *Teaching the Forgotten Fourteenth Amendment and the Constitution of Memory*, 62 ST. LOUIS U. L.J. 639, 639-40 (2018) (contending that, although Sections 1 and 5 of the Fourteenth Amendment are well-known,

Nearly thirty years into a career as a constitutional lawyer, I had no idea what it said until sometime late in 2021. If we are to harness history in service of progressive values, the first thing we need to do with history is to *read* it.

Fortunately, some do.[15] In the wake of the events of January 6, 2021, the lawyers at FSFP focused their attention on Section 3 of the Fourteenth Amendment, its history, and its implications for contemporary events. Some months later, they brought it to my firm's attention. At the time, the details of the attack on the Capitol, and its origins, were still emerging in the media. Urgent questions were being asked about the role certain elected officials played in the events of that day. In this context, the lawyers at FSFP looked to Section 3 and saw an opportunity.

Section 3 of the Fourteenth Amendment provides in pertinent part:

> No person shall be a Senator or Representative in Congress . . . or hold any office . . . under the United States, or under any State who, having previously taken an oath . . . to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.[16]

Nestled in the very Amendment that was enacted to serve as a new charter of freedom for formerly-enslaved people—and that would indeed serve as a cornerstone for the "rights revolution" of the mid-twentieth century[17]—Section 3, also known as the Disqualification

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"no one teaches anything about Sections 2, 3, and 4 . . . ."); Gerard Magliocca, *The 14th Amendment's Disqualification Provision and the Events of Jan. 6*, LAWFARE (Jan. 19, 2021, 1:43 PM), https://www.lawfareblog.com/14th-amendments-disqualification-provision-and-events-jan-6 [https://perma.cc/Z2JT-8RWE] (noting that before the violence at the Capitol on January 6, 2021, Section 3 of the Fourteenth Amendment "was one of the most obscure parts of the Constitution.").

[15] *See* N.Y.C. BAR ASS'N, REPORT BY THE TASK FORCE ON THE RULE OF LAW ON SECTION 3 OF THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION—THE DISQUALIFICATION CLAUSE (2022), https://s3.amazonaws.com/documents.nycbar.org/files/20221096-DisqualificationClauseRecommendations.pdf (arguing that Congress should pass a statute to allow for enforcement of Section 3 of the Fourteenth Amendment).

[16] U.S. CONST. amend. XIV, § 3.

[17] *See, e.g.*, Brown v. Board of Education, 347 U.S. 483 (1954) (holding that the segregation of children in public schools solely on the basis of race deprives

Clause, actually restricts the rights of a subset of Americans: those who had sworn, and then betrayed, their oath to uphold the Constitution.[18] The specific historical context from which this provision emerged could hardly be clearer. Ratified shortly after the end of the Civil War, Section 3 was intended to bar oath-breaking traitors—in other words, former government officials who had switched allegiances and supported the Confederacy—from federal and state office.[19]

Almost immediately after ratification, former Confederates bent on retaking political power from newly-enfranchised Black citizens began petitioning Congress to "remove the disability" Section 3 had imposed. The Clause permitted Congress to do this with two-thirds votes in both Houses.[20] What started as a trickle of requests for rehabilitation quickly became a raging river, as the names of hundreds of former Confederates were attached to bills in Congress and pushed through both chambers, cleansing their records of treason and opening the door to their return to public office.[21] By 1872, the business of listing, hearing, and deciding such petitions one by one, or even *en masse*, had become overwhelming.[22]

In 1872, with Reconstruction in full retreat and the so-called Redemption movement of white supremacy on the march

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children of minority groups of equal educational opportunities, violating the Equal Protection Clause); Griswold v. Connecticut, 381 U.S. 479 (1965) (ruling that an implied right of privacy exists within the Bill of Rights); Loving v. Virginia, 388 U.S. 1 (1967) (declaring laws prohibiting interracial marriage as unconstitutional); Shapiro v. Thompson, 394 U.S. 618 (restating that there is a fundamental right to travel that is unrestricted between the states); Roe v. Wade, 410 U.S. 113 (1973), *overruled by* Dobbs v. Jackson Women's Health Org., 142 S. Ct. 2228 (2022).

[18] U.S. CONST. amend. XIV, § 3.

[19] *See* Magliocca, *supra* note 14.

[20] *See Congress Restores Confederates' Office-Holding Rights with the Amnesty Act of 1872*, EQUAL JUST. INITIATIVE, https://calendar.eji.org/racial-injustice/may/22 [https://perma.cc/T4JV-GZTV] (last visited Oct. 20, 2022).

[21] *See* Laurence H. Tribe & Elizabeth B. Wydra, Opinion, *Confederate Amnesty Act Must Not Insulate the Jan. 6 Insurrectionists*, BOS. GLOBE (Mar. 11, 2022), https://www.bostonglobe.com/2022/03/11/opinion/confederate-amnesty-act-must-not-insulate-jan-6-insurrectionists [https://perma.cc/C9Z2-CUPK] (noting that the final private bill Congress considered—before passing the Amnesty Act—included approximately 17,000 names); Gerard N. Magliocca, *Amnesty and Section Three of the Fourteenth Amendment*, 36 CONST. COMMENT. 87, 112-21 (2021).

[22] Indeed, it was an unwritten rule that "everyone who asked for [amnesty] . . . was freely granted remission of penalty." *See* Magliocca, *supra* note 21, at 112 (citing JAMES G. BLAINE, TWENTY YEARS OF CONGRESS: FROM LINCOLN TO GARFIELD 512 (Norwich, Conn., Henry Bill Publ'g Co. 1886)).

throughout the South,[23] Congress passed the Amnesty Act.[24] The Act lifted the disability imposed by Section 3 for virtually *all* affected persons.[25] To some, it appeared that, by legislative action, Congress had rendered Section 3 a dead letter.[26]

FSFP certainly did not see it that way, and neither did I. In the first place, since when can a constitutional provision be repealed or eviscerated by mere legislation? It cannot. The Amnesty Act of 1872, viewed in its proper historical context, was legislation directed at relieving a particular class of then-living persons—former Confederates who had previously sworn an oath to the Constitution—from the "disability" of being disqualified from office at a specific historical moment (i.e., post-Reconstruction). It was, in other words, legislation passed *pursuant* to a constitutional provision—Section 3's two-thirds-vote escape hatch. But it did not have the effect of *invalidating* the constitutional rule for *all* time. Section 3, it seemed to us, was not a dead letter at all.[27]

A. Applying Section 3 to January 6th: The Recent "Insurrection" and the Next "1776"

By December 2020, the Nation was facing a crisis: A sitting president was refusing to accept the results of the presidential election. The country was awash in (baseless) claims of "election

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[23] *See* Matthew Hild, *Redemption*, NEW GA. ENCYC. (July 21, 2020), https://www.georgiaencyclopedia.org/articles/history-archaeology/redemption.

[24] Act of May 22, 1872, ch. 193, 17 Stat. 142.

[25] *Id.* (providing that the disability imposed by Section 3 is "hereby removed from all persons whatsoever" except for persons who had served as members in Congress, in the U.S. military, or as executive officers immediately prior to the Secession crisis that led to the Civil War).

[26] In the post-Reconstruction era, Section 3 of the Fourteenth Amendment was used exactly once: in the 1919 case of Victor Berger. Berger was an avowed socialist and member of the U.S. House of Representatives from Wisconsin. As a result of Berger's opposition to World War I, the House refused to seat Berger and voted to disqualify him under Section 3, expressly rejecting his objections that Section 3 only applied to the Civil War. Berger was later convicted under the Espionage Act for his advocacy, but the U.S. Supreme Court overturned his conviction. *See* JENNIFER ELSEA, CONG. RSCH. SERV., LSB10569, THE INSURRECTION BAR TO OFFICE: SECTION 3 OF THE FOURTEENTH AMENDMENT 2 (2022). In Berger's ruling, the Court did *not* decide whether Section 3 was invalidated by the Amnesty Act of 1872; that question remains, at least at the Court, an open one. *See id.* at 6. *Cf.* Cawthorn v. Amalfi, 35 F.4th 245 (4th Cir. 2022) (holding that Amnesty Act of 1872 did not prospectively bar application of Section 3 to post-1872 insurrectionists); Greene v. Raffensperger, No. 22-CV-1294-AT, 2022 WL 1136729, at *22-25 (N.D. Ga. 2022) (same), *appeal filed* (11th Cir. Apr. 19, 2022).

[27] This view of the status of Section 3 after passage of the Amnesty Act is not shared by all. Indeed, it was a major point of contention in the courts in 2022, as FSFP sought to apply Section 3 to contemporary circumstances—a part of the story that is itself fascinating, but beyond the scope of this Article.

fraud," and supporters of then-President Donald J. Trump—including members of Congress—began calling for large demonstrations in Washington, D.C., on the day of the Electoral College vote count, January 6, 2021.[28] Their rallying cry expressed their stated goal for the day: to "stop the steal" of the 2020 election by blocking Congress's certification of the 2020 election results.[29] One such supporter was the newly elected U.S. Representative from Georgia's fourteenth congressional district, Marjorie Taylor Greene.

What happened next was what many refer to simply as "January 6th," the unprecedented violent attack on the U.S. Capitol by supporters of then-President Trump.

In the year that followed the attack, its origins and purposes came into sharper focus, and the modern implications of Section 3 became clear. If the attack on the Capitol was, indeed, an "insurrection"—as both the House and the Senate would find in the wake of these events;[30] and if Representative Greene and others like her did, in fact, "engage in insurrection" by providing support to perpetrators of that attack; then she and other public officials who had taken an oath of office and betrayed it were constitutionally disqualified from continuing to serve. Such disqualification would preclude them from standing for reelection for the offices they held.

This is the argument that Georgia voters, represented by FSFP, my firm, and Mr. Sells, presented to the Georgia Secretary of State, Brad Raffensperger, in March 2022.[31] Secretary

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[28] Alan Feuer et al., *Jan. 6: The Story So Far*, N.Y. TIMES (June 9, 2022), https://www.nytimes.com/interactive/2022/us/politics/jan-6-timeline.html [https://perma.cc/9HNF-QBUZ].

[29] William M. Arkin, *'Stop the Steal' Was a Donald Trump Fans' War Cry Even Before Election Day*, NEWSWEEK (Nov. 3, 2021), https://www.newsweek.com/stop-steal-was-already-donald-trump-fans-war-cry-even-before-election-day-1644981 [https://perma.cc/AWJ2-E78M].

[30] *See* H.R. Res. 503, 117th Cong. (2021) ("Whereas January 6, 2021, was one of the darkest days of our democracy, during which insurrectionists attempted to impede Congress's Constitutional mandate to validate the presidential election and launched an assault on the United States Capitol . . . ."); S. Res. 16, 117th Cong. (2021) (addressing, in part, "the charge of incitement of insurrection in the Article of Impeachment approved by the House on January 13, 2021 . . . [and] whether Donald John Trump is subject to the jurisdiction of a court of impeachment for acts committed as President . . . .").

[31] Notice of Candidacy Challenge, *In re* Challenge to the Constitutional Qualifications of Rep. Marjorie Taylor Greene, No. 2222582-OSAH-SECSTATE-CE-57-Beaudrot (Mar. 24, 2022). At or around the same time, FSFP filed a similar petition in North Carolina to disqualify U.S. Representative Madison Cawthorn under Section 3. Additionally, FSFP, working with my law firm, filed a petition in Arizona to disqualify U.S. Representatives Andy Biggs and Paul Gosar, and state representative Mark Fincham for their efforts in facilitating the January 6th insurrection. *See Arizona Voters Challenge*

Raffensperger was the official responsible for determining whether proposed candidates in Georgia's May 2022 primary ballot met the qualifications for office. Although Representative Greene had otherwise met the qualifications, such as age and residency, our petition asserted that she was disqualified from serving in the office because (1) the January 6th attack had been an "insurrection" within the meaning of Section 3; and (2) Greene had, by her words and actions, "engaged in insurrection," in contravention to the oath she had taken upon assuming office. As a result, Secretary Raffensperger referred our petition to the Office of State Hearings and Appeals for a factual hearing.[32]

In April 2022, a hearing was held on these issues before Administrative Law Judge Charles Beaudrot. Dozens of discrete pieces of documentary and video evidence were admitted, and two witnesses testified, legal historian Gerard Magliocca and Representative Greene. Two aspects of the presentation got to the heart of the matter: testimony about the historical meaning of the word "insurrection," and the evidence presented about what organizers of the January 6th demonstrations, including Representative Greene herself, meant in their public invocations of the term "1776."[33] Both offered opportunities for us to use history expansively for progressive ends.

1. "Insurrection"

As the party seeking disqualification, it was our burden to demonstrate that what had happened at the U.S. Capitol on January 6th constituted an "insurrection." This was not undisputed territory—not by a long shot.

The facts themselves were not disputed; they had unfolded on national television. A mob of Trump supporters had stormed the Capitol, attacking Capitol Police, destroying property, and invading both chambers of Congress. Their stated goal was to physically prevent Congress from certifying the Electoral College vote, a process required by the Twelfth Amendment.[34] Their efforts

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Congressmen Gosar and Biggs and State Rep. Finchem, Candidate for Secretary of State, Under Fourteenth Amendment's Insurrectionist Disqualification Clause, FREE SPEECH FOR PEOPLE (Apr. 7, 2022), https://freespeechforpeople.org/arizona-voters-challenge-congressmen-gosar-and-biggs-and-state-rep-finchem-candidate-for-secretary-of-state-under-fourteenth-amendments-insurrectionist-disqualification-clause [https://perma.cc/Y7UE-UNJY].

[32] *See* Notice of Candidacy Challenge, *In re* Challenge to the Constitutional Qualifications of Rep. Marjorie Taylor Greene, No. 2222582-OSAH-SECSTATE-CE-57-Beaudrot 5-7 (Mar. 24, 2022).

[33] *See* Greene Hearing Transcript, *supra* note 3, at 151-81.

[34] *See* U.S. CONST. amend. XII (providing process for Congress to count the electoral votes).

succeeded for several hours. The joint session of Congress was suspended, and the counting of the Electoral College votes was delayed until the following morning, when order was restored by the National Guard.[35]

It was an ugly and unprecedented incident, to be sure. But was it an "insurrection" within the meaning of Section 3?

Representative Greene asserted that it was not. She argued that what had happened in Washington, D.C., on January 6th was, for the most part, peaceful, First Amendment-protected activity.[36] As for the violence in the Capitol that day, she contended that it was nothing more than "a riot," random lawlessness carried out by the proverbial few bad apples.[37] January 6th was no more an "insurrection," Greene claimed, than if a handful of hooligans had stood in the gallery of the Senate chamber and heckled its members before being hauled away by Capitol Police.[38] It was certainly nothing like the Secession crisis or the Civil War—the direct historical antecedents to Section 3—in which states had openly declared a separate republic, raised a uniformed army, refused to recognize the binding nature of laws passed by Congress or the acts of the president, and launched an all-out war on the United States.[39]

We, of course, saw the matter differently. So, too, did history—and not just the narrow history of Reconstruction and the Reconstruction Amendments, but America's broad historical experience dating back to the very early years of the Republic.

Our witness on this issue was Gerald Magliocca, a legal historian and law professor. Professor Magliocca described this country's history of insurrections, many of which occurred well before the Civil War. As Magliocca testified, Shays' Rebellion (1786-87) and the Whiskey Rebellion (1794-96)—both of which were clearly insurrections—shared three important characteristics: (1) violence that was (2) aimed at impeding or overturning a specific governmental process; and that (3) could not be quelled by ordinary law enforcement means.[40] Neither involved the kinds of formal

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[35] *See, e.g.*, Feuer et al., *supra* note 28; Amber Phillips, *What We Know—and Don't Know—About What Trump Did on Jan. 6*, WASH. POST (July 22, 2022, 1:20 PM), https://www.washingtonpost.com/national-security/2022/06/29/trump-january-6-timeline [https://perma.cc/TWK9-9LK6].

[36] *See* Greene Hearing Transcript, *supra* note 3, at 34-35 (stating that Greene's challengers wanted "to hold against her First Amendment protected speech" and quoting Greene, who had said previously that "[t]he people will remember the Patriots who stood for election integrity.").

[37] *See id.* at 39.

[38] *See id.* at 40.

[39] *See generally* Magliocca, *supra* note 21, at 87-90; William G. Gale & Darrell M. West, *Is the US Headed for Another Civil War?*, BROOKINGS INST. (Sept. 16, 2021), https://www.brookings.edu/blog/fixgov/2021/09/16/is-the-us-headed-for-another-civil-war/ [https://perma.cc/UA3S-L3Z4].

[40] *See* Greene Hearing Transcript, *supra* note 3, at 60-65.

declarations, breakaway states, or clashes of uniformed armies that defined the Civil War.[41]

FSFP's legal director, Ron Fein, established these principles in his direct examination of Professor Magliocca. Then Fein went a step further, asking Professor Magliocca whether "reasonably-educated nineteenth century Americans" would have been aware of Shays' Rebellion and the Whiskey Rebellion, and whether they would have *understood* these incidents as "insurrection[s]."[42] Magliocca responded that all nineteenth-century Americans would have regarded these previous attacks on government authority as "insurrections," even though they were quite different from the events that led to the Civil War.[43] This testimony was an exploration of "historical memory" at its broadest level.

Fein's question about what "reasonably educated Americans" of the Reconstruction era would have understood was a creative way of getting at the issue of how history can teach us.[44] It injected into the discussion a *societal* understanding of the term "insurrection," and it expanded the historical inquiry from what political leaders wrote and said about Section 3 at the precise time of its ratification, to what people more generally understood about it and how they experienced it.[45] To my way of thinking, it was a great example of a progressive lawyer using an expansive conception of what counts as history, while staying within conventional interpretative practice (i.e., discerning meaning from contemporary understandings of the text).

It was a small moment in the Greene hearing but, to me, a significant one. Fein's conception allowed us to escape the narrow, lawyerly confines of divining legislative history, a task that even the courts concede is fraught and often unreliable.[46] And it offered a history-based response to Greene's "handful of hooligans" defense.[47] As it turns out, in American history, insurrections are *typically* spontaneous, and *usually* involve loosely organized groups

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[41] *See, e.g.*, *On This Day, Shays' Rebellion Starts in Massachusetts*, NAT'L CONST. CTR. (Aug. 29, 2021), https://constitutioncenter.org/blog/on-this-day-shays-rebellion-starts-in-massachusetts [https://perma.cc/D5B2-YN78]; *The Whiskey Rebellion*, LIBR. OF CONG., https://guides.loc.gov/this-month-in-business-history/august/whiskey-rebellion [https://perma.cc/5LG6-ABQA] (last visited Oct. 20, 2022).

[42] *See* Greene Hearing Transcript, *supra* note 3, at 62.

[43] *See id.* at 64-65.

[44] *See id.* at 61.

[45] *See id.* at 60-76.

[46] *See* VALERIE C. BRANNON, CONG. RSCH. SERV., R45153, STATUTORY INTERPRETATION: THEORIES, TOOLS, AND TRENDS 39-45 (2022); City of Chicago v. Env't Def. Fund, 511 U.S. 328, 337 (1994) ("[I]t is the statute, and not the Committee Report, which is the authoritative expression of the law . . . .").

[47] *See supra* note 39 and accompanying text. *See also* Greene Hearing Transcript, *supra* note 3, at 40.

of citizens bent on using violence to bring government operations to a halt.[48] Formal secession and uniformed armies in the field, as appeared during the Secession crisis, are the historical exception, not the rule.[49] Professor Magliocca's and Ron Fein's appreciation of history, and their willingness to engage with it expansively and conceptually, is a lesson for civil rights lawyers. History is inclusive, and it encompasses the broad society and the sweep of time. It is not something that we need to sidestep, avoid, or pretend does not exist. On the contrary, it is something we can embrace—and utilize.

2. "1776"

From the beginning, we knew that it would be challenging to prove that Representative Greene had herself "engaged in insurrection."[50] After all, on January 6th, Greene had not personally rampaged through the Capitol or assaulted Capitol Police;[51] when these events were occurring, she was on the floor of the House lodging objections to the Electoral College count, a wholly lawful exercise of her constitutional powers.[52] Our theory of engagement was anchored in Greene's role as a catalyst and a provocateur in the run-up to January 6th. Specifically, we argued that she had used her leadership position, words, and actions to create the conditions to justify and actually provoke violence at the Capitol.[53] An important

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[48] *See* Greene Hearing Transcript, *supra* note 3, at 63.

[49] During the hearing, FFSP's Ron Fein contended that "the way that insurrections are organized nowadays is less in uniforms with military hierarchies and chains of command, less with detailed military plans of battle, and more through social media . . . [t]hat's the era that we're living in." *See id.* at 22.

[50] U.S. CONST. amend. XIV, § 3.

[51] In contrast, the case against New Mexico's Otero County Commissioner Couy Griffin was much more straightforward. Indeed, Commissioner Griffin was removed from office by a New Mexico judge under Section 3 because Griffin "took on a leadership position within the mob at the Capitol" on January 6th and boasted about his involvement on social media afterwards. *See* Press Release, Citizens for Responsibility and Ethics, Judge Removes Griffin from Office for Engaging in the January 6 Insurrection (Sept. 6, 2022), https://www.citizensforethics.org/news/press-releases/judge-removes-couy-griffin-from-office-for-engaging-in-the-january-6-insurrection [https://perma.cc/LS6C-DXUD] [hereinafter CREW Press Release].

[52] *See* 3 U.S.C. § 15 (providing method for objections by members of Congress to electoral votes).

[53] Specifically, FSFP's Ron Fein described Greene's role: "[E]ven after she took the oath on January 3rd to uphold the Constitution and defend it against all enemies, foreign and domestic . . . [her role] was severalfold: [T]o bring people to D.C. . . . to contribute in the plan; and to signal that January 6th would be, as she said herself on January 5th, 'our 1776 moment,' a coded phrase with great significance[;] . . . she urged and encouraged and helped facilitate violent resistance to our own government, our democracy, and our Constitution. And in

piece of evidence on that score was Greene's use of the term "1776."[54]

To begin, we needed to establish that "1776," as used by the January 6th conspirators, was neither a flowery rhetorical reference to the historical year 1776 that every American learns about in school, nor a patriotic gesture to the symbolic "1776" of liberty, equality, and freedom, that every American venerates on the Fourth of July. Instead, January 6th was all about "1776" the *slogan*—a term used by right-wing extremists on social media and elsewhere as code for violence aimed at the government.[55]

Second Amendment advocates had begun promoting this usage of "1776" some years earlier as shorthand for the alleged "constitutional right" to use guns *against* government, and to protect the constitutional right to own guns *from* government.[56] As we proved at the hearing, Representative Greene had trafficked in such talk as recently as the 2020 election cycle.[57] By the post-election

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doing so, she engaged in exactly the type of conduct that triggers disqualification under Section 3 . . . which is to say she engaged in insurrection." *See* Greene Hearing Transcript, *supra* note 3, at 24.

[54] *See id.* at 24, 151-80.

[55] *See* Washington Post Staff, *Identifying Far-Right Symbols That Appeared at the U.S. Capitol Riot*, WASH. POST (Jan. 15., 2021, 2:56 PM), https://www.washingtonpost.com/nation/interactive/2021/far-right-symbols-capitol-riot (noting that references to "1776" grew substantially amongst conspiracy theorists and Trump allies—including Representative Greene—in the wake of Trump's 2020 election loss). In 2020, an online shop dubbed the "1776.shop"—selling merchandise of the 1776 symbol—was founded by members of the Proud Boys, a far-right group whose leaders were indicted in June 2022 for seditious conspiracy. *See id.*; Press Release, U.S. Dep't of Just., Leader of Proud Boys and Four Other Members Indicted in Federal Court for Seditious Conspiracy and Other Offenses Related to U.S. Capitol Breach (June 6, 2022), https://www.justice.gov/opa/pr/leader-proud-boys-and-four-other-members-indicted-federal-court-seditious-conspiracy-and [https://perma.cc/QV8K-ETG2].

[56] No such right exists, of course, as Representative Jamie Raskin demonstrates in his September 2022 *New York Times* opinion piece. *See* Jamie Raskin, Opinion, *The Second Amendment Gives No Comfort to Insurrectionists*, N.Y. TIMES (Sept. 27, 2022), https://www.nytimes.com/2022/09/27/opinion/us-second-amendment.html [https://perma.cc/MNF5-NFXR].

[57] During Greene's testimony, we presented a video interview that then-candidate Greene gave to gun-rights advocate Chris Dorr in October 2020. *See* Mother Jones, *Marjorie Taylor Greene: "It's Earned with the Price of Blood,"* YOUTUBE (Jan. 29, 2021), https://www.youtube.com/watch?v=J4rY-KL2JHI [https://perma.cc/VL5Y-38K4]. In the interview, candidate Greene discussed the importance of guns in ensuring that ordinary citizens could resist "a tyrannical government;" she talked about how, once freedoms are "taken away" by government, they must be "taken back with the price of blood." *See id.*; Greene Hearing Transcript, *supra* note 3, at 268. Mr. Dorr, sitting beside her, nodded along—in a shirt bearing the words: "I'm 1776% Sure That No One Is Taking My Guns Away." Rep. Greene testified she did not "remember seeing" the words, in large type, on Mr. Dorr's shirt. *See id.* at 158-68. More generally, we also proved that before taking the

period in late 2020, the term's meaning had expanded to include a claimed right to use violence to block *any* government action deemed inimical to individual "freedom"—including certifying then-candidate Joseph R. Biden as the winner of the 2020 election.[58] For example, it emerged that the Proud Boys, a violent extremist group, had developed a plan to storm government buildings in Washington, D.C., on January 6th to keep then-President Trump in power; the plan was called "1776 Returns."[59]

Against this backdrop, we presented Representative Greene's use of the term "1776." It happened on national television on January 5, 2021, the night before the attack on the Capitol. Interviewed on the right-leaning outlet *Newsmax*, Representative Greene was asked: "What is your plan for tomorrow? How do you plan to handle what could possibly go down in this joint session of Congress? What are you prepared for?"[60] She responded: "I will echo the words of many of my colleagues . . . in our GOP conference: *This is our 1776 moment*."[61] To signal its importance to her followers, Greene posted the *Newsmax* clip on her campaign Facebook page; it was still available there on the date of the hearing,

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oath of office, Greene had been forthright in her support of violence as a political tactic and using force as a means to stop the certification of Biden as the new president. Among other things, Greene had "liked" a tweet that suggested that House Speaker Nancy Pelosi should be removed from office by "a bullet in the head;" and she told viewers, in a staged video, that "we can't allow [Congress] to transfer power peacefully like Joe Biden wants." *Id.* at 118-19, 186-89. Confronted with these statements at the hearing, Greene suggested that they had been taken out of context or were not her words. *Id.*

[58] A December 2020 tweet by Ali Alexander, a self-described "friend" of Greene and organizer of the "Stop the Steal" rally that took place on January 6th, was another piece of evidence tying Greene to the term. *See* Greene Hearing Transcript, *supra* note 3, at 174, 178. Responding to a tweet from Greene that suggested that Senate Majority Leader Mitch McConnell and House Speaker Pelosi might try to short-circuit objections to the Electoral College count, Mr. Alexander tweeted: "If they do this, everyone can guess what we and 500,000 others would do to that building," referring to the Capitol. *Id*. The tweet concluded: "1776 is always an option." *Id.* Greene claimed she "[had] no idea" about the tweet. *Id.* at 179. *See generally* Will Sommer, *'Stop the Steal' Organizer in Hiding After Denying Blame for Riot*, DAILY BEAST (Jan. 10, 2021, 9:40 PM), https://www.thedailybeast.com/stop-the-steal-organizer-in-hiding-after-denying-blame-for-riot [https://perma.cc/3464-C9BS].

[59] *See* Ryan J. Reilly, *Court Document in Proud Boys Case Laid Out Plan to Occupy Capitol Buildings on Jan. 6*, NBC NEWS (June 15, 2022, 2:28PM), https://www.nbcnews.com/politics/justice-department/court-document-proud-boys-case-laid-plan-occupy-capitol-buildings-jan-rcna33755 [https://perma.cc/5DNS-TGFM].

[60] *See* Greene Hearing Transcript, *supra* note 3, at 166-74.

[61] *Id.* For a video clip of this interaction, see C-SPAN, *Hearing on Challenge to Rep. Marjorie Taylor Greene's Candidacy: Newsmax Video*, (Apr. 22, 2022), https://www.c-span.org/video/?c5011849/newsmax-video.

nearly sixteen months later. It was, we argued, Greene's "clarion call" for violence at the Capitol.[62]

The January 5 *Newsmax* clip was one of the most critical pieces of evidence in the case for disqualifying Representative Greene. Placed in its specific historical context—the fevered rantings of right-wing voices in the post-election period, and Greene's own videotaped statement in late 2020 that "we can't allow [Congress] to transfer power peacefully like Joe Biden wants and allow him to become our President,"[63]—it showed Greene using a well-worn codeword for violence on the eve of January 6th. Of course, Greene flatly denied that describing January 6th as "our 1776 moment" was a call to violence at the Capitol.[64] But history—understood broadly—had set a trap for Greene.

It was quite simple, really, and it required us to focus on the *historical* 1776—not the sentimental one, and not the slogan. Importantly, 1776, the year, had been a bloody one in our history. Colonists—soon to become Americans—had taken up arms against their government, the British Crown, in a struggle to overthrow imperial control, and a violent revolution was underway.[65] In 1776, the men who justified, organized, and directed that revolution, gathered in Philadelphia to make it official.[66] To us, these men are patriots and heroes. But, in their own time, they were insurrectionists; they were at war—literal, violent war—with their own government.[67]

When we reminded Representative Greene of this history, she refused to accept these cold, hard facts. Greene resisted acknowledging that the actual 1776 involved the violent overthrow

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[62] *See* Greene Hearing Transcript, *supra* note 3, at 257 (arguing that people knew exactly what she meant).

[63] *See id.* at 188-89, 269.

[64] Representative Greene's explanation for her use of the term shifted over the course of the hearing. First, she testified that her use of the term referred to her having "the courage" to file formal objections to the Electoral College—a response that made no sense in context, as the video itself showed. *Id.* at 168. Later, having been confronted with the Ali Alexander tweet, see *supra* note 58, and evidence that the Proud Boys had developed a plan (called the "1776 Returns") to storm government buildings called, Greene said could not remember why she used the term. *Id.* at 171-79.

[65] *See generally The American Revolution, 1763–1783: Overview*, LIBR. OF CONG., https://www.loc.gov/classroom-materials/united-states-history-primary-source-timeline/american-revolution-1763-1783/overview (last visited Oct. 20, 2022).

[66] *See generally The Declaration of Independence: A History*, NAT'L ARCHIVES, https://www.archives.gov/founding-docs/declaration-history (last visited Oct. 20, 2022).

[67] As Benjamin Franklin said at the time of the signing of the Declaration: "We must all hang together, or most assuredly we will all hang separately." Stephan Richter, *Ben Franklin, America's First Globalist*, GLOBALIST (Aug. 10, 2013), https://www.theglobalist.com/ben-franklin-americas-first-globalist.

of the British government in America.[68] Instead, Greene described the period blandly as "when we separated from the Crown and started our own government here."[69] Greene then refused to acknowledge that the American Revolution was an insurrection.[70] And, having been reminded of the violent nature of the historical 1776, Greene claimed not to recall what she meant when, in the wake of January 6th, she expressly compared what had happened at the Capitol to the American Revolution.[71] Greene insisted that she had "always" called for peaceful protest only—never violence.[72]

Representative Greene was fully prepared to exploit the high-minded principles and emotional impact of our Founding era in her own version of "1776." But she refused to accept the violence, bloodshed and, yes, treason, that was essential to the actual events. She was caught in the trap of her own rhetoric. It was an absurd display of doubletalk—and an ahistorical one.

It is clear what was going on: In the closed-loop world of extreme right-wing politics, the Twittersphere, and the dark corners of the Internet, historical references like "1776" provide a seemingly patriotic cover for a deep distrust of government—and for the idea that, even in contemporary times, individual citizens have the right and the duty to take up arms against their government.[73] The argument goes that, if the Founders did it, it cannot be wrong. And anyone who might question that conclusion is unpatriotic. History, or more accurately, cherry-picked history—*bad* history, was being repurposed to justify violence.

But things look dramatically different when what had been sly references exchanged between like-minded people behind digitally closed doors get exposed to the broader political culture—and when what had once been idle talk has turned into ugly action, as on January 6th. This is what we saw at the Greene hearing. Confronted in a court of law, in front of a bank of cameras, with the

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[68] *See* Greene Hearing Transcript, *supra* note 3, at 152-57.
[69] *Id.* at 154.
[70] *See id.* at 154-57.
[71] On Real American's Voice with Steve Bannon, Greene stated that "January 6th was just a riot at the Capitol . . . [a]nd if you think about what our Declaration of Independence says, it says to overthrow tyrants." Aaron Blake, *Marjorie Taylor Greene Says Jan. 6 Riot Was in Line with the Declaration of Independence*, WASH. POST (Oct. 26, 2021), https://www.washingtonpost.com/politics/2021/10/26/marjorie-taylor-greene-says-jan-6-riot-was-line-with-declaration-independence [https://perma.cc/PN25-FZ4G].
[72] *See* Greene Hearing Transcript, *supra* note 3, at 163.
[73] *See, e.g.*, Feuer et al., *supra* note 28; *The Road to Jan. 6: A Year of Extremist Mobilization*, S. POVERTY L. CTR., https://www.splcenter.org/news/2021/12/30/road-jan-6-year-extremist-mobilization [https://perma.cc/LAJ2-TAWS] (last visited Oct. 16, 2022); *The Year in Hate & Extremism Report 2021*, S. POVERTY L. CTR., https://www.splcenter.org/20220309/year-hate-extremism-report-2021 [https://perma.cc/6JZC-VYXB] (last visited Oct. 20, 2022).

full history of 1776 (i.e., that it involved a literal overthrow of governmental authority by violent means), Representative Greene struggled to justify her invocations of history. Greene had to face the fact that the patriots of 1776 were, indeed, insurrectionists—and that they had not been "always peaceful," as Greene claimed she had been.[74] They had, in fact, engaged in treason against their government—exactly what Greene, a sitting member of Congress awash in the rhetoric of "1776," could not publicly admit.[75]

We had found a means to combat the false or distorted history used by originalists: *More history*. *Accurate history*. Representative Greene and her ilk had been happy to use the phrase "1776" and move on, content in the view that 1776 could only be understood as a heroic moment that we would all do well to emulate. But 1776 also involved violence and, yes, insurrection. Exposing that fact, and giving history its full measure, was strategically important in the Greene case. It is perhaps a lesson we can apply in civil rights cases of the future.

III. REFLECTIONS ON THE GREENE HEARING

In the end, our effort to disqualify Marjorie Taylor Greene from the Georgia ballot failed. Judge Beaudrot accepted our arguments on several important legal points, such as: the definition of "engage" (a broad definition, drawn from nineteenth-century court cases,[76] encompassing any voluntary assistance or contribution), the absence of any historical or current requirement that a Section 3 defendant also violated criminal statutes, and the fact that speech—including, for example, "marching orders or instructions to capture a particular objective, or to disrupt or obstruct a particular government proceeding"—can constitute "engaging in" insurrection.[77]

But he also held that there was insufficient evidence to show that Greene had "engaged in insurrection" in a manner sufficient to disqualify her from office.[78] He was unpersuaded that her invocation of "1776" was a call to arms.[79] And he declined to decide

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[74] *See* Greene Hearing Transcript, *supra* note 3, at 274.
[75] *Id.* at 151-57.
[76] *See* United States v. Powell, 65 N.C. 709 (C.C.D.N.C. 1871); Worthy v. Barrett, 63 N.C. 199 (1869).
[77] *See* Initial Decision, Rowan et al. v. Taylor-Greene, No. 2222582-OSAH-SECSTATE-CE-57-Beaudrot 14 (Ga. Off. Admin. Hr'gs May 6, 2022).
[78] *See id.* at 17. Additionally, subsequent appeals to Secretary Raffensperger and the Georgia courts were rejected. *See* Final Decision, Rowan et al. v. Taylor-Greene, No. 2222582-OSAH-SECSTATE-CE-57-Beaudrot (May 6, 2022); Order Denying Discretionary Appeal, Rowan et al. v. Raffensperger, No. 2022 CV 364778 (Sept. 1, 2022).
[79] *See* Initial Decision, Rowan et al. v. Taylor-Greene at 16.

whether January 6th was or was not an "insurrection" within the meaning of Section 3.[80]

The case is now, as they say, in the history books. Nevertheless, as we litigators know better than most, "[t]he past is never dead. It's not even past."[81] Future courts look to past experience—and past cases—for guidance. This has already happened in the case of the Greene Disqualification Clause matter. In September 2022, a judge in New Mexico disqualified a state officeholder who was part of the mob that attacked the U.S. Capitol on January 6th. The court's basis was Section 3 of the Fourteenth Amendment—and it cited, among other things, the evidence adduced and the legal points made at the Greene hearing.[82] It is the first time anyone has been barred from office under the Clause since 1869.[83]

For civil rights lawyers like me, losing is a painful, but regular, feature of the work we do; it is a cost of doing business. It is also a feature of history itself. Progress cannot be achieved, or perceived, except against a backdrop of loss and even suffering. In that sense, history, taken seriously, includes failures and reversals, and we can learn from and build upon those just as much as we can from victories. Perhaps the greatest lesson history has for progressive lawyers is that it is nuanced, multifaceted, and complicated. Wins matter, but losses do too. There is no *one* history; there are *many* histories.

The sin of originalism is not that it looks to history for answers, but that it claims that history has but one answer—an answer that, conveniently, aligns with a particular ideological agenda.[84] If that view is to be confronted effectively, history must be taken seriously. For this reason, I was pleased to see that the American Historical Association and the Organization of American Historians submitted a lengthy amicus brief in *Dobbs* describing the history of abortion regulations in America and England going back

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[80] *See id.* at 17-18 (stating that although January 6th was "truly tragic . . . [and] [m]ultiple lives were lost, including those of law enforcement officers who died defending the Capital. . . . Whether the Invasion of January 6 amounted to an insurrection is . . . not a question for this [c]ourt to answer at this time.").

[81] WILLIAM FAULKNER, REQUIEM FOR A NUN 92 (1st ed. 1951).

[82] *See* State of New Mexico et al. v. Griffin, D-1010-CV-2022-00473 4 (Sept. 6, 2022).

[83] *See* CREW Press Release, *supra* note 51.

[84] Constitutional scholar Erwin Chemerinsky contends that the main argument in support of originalism—that it constrains judges—has one critical flaw: "[O]riginalists often abandon the method when it fails to give them the results they want. . . . Conservative [J]ustices use originalism when it justifies conservative decisions, but they become non-originalist when doing so serves their ideological agenda." ERWIN CHEMERINSKY, WORSE THAN NOTHING: THE DANGEROUS FALLACY OF ORIGINALISM 147 (2022).

nearly two centuries before *Roe v. Wade*.[85] The *Dobbs* majority largely ignored this history because it was inconsistent with the Court's desired outcome.[86] But, look in the record and you will find it there—for history's sake.

CONCLUSION

In our Nation's history, there is much that provokes feelings of shame and even rage. But there is also much more than that—much that is better, much that is richer, much that explains, and much that inspires. As Gunnar Myrdal, the Swedish economist and social scientist, wrote in his seminal work on race in the United States, America is "conservative in fundamental principles . . . [b]ut *the principles conserved are liberal* and some, indeed, are radical."[87] Civil rights lawyers need not cherry-pick from history or ignore it; we can embrace history in its fullness and hold it up to the light for consideration. This is one way to combat the hijacking of history—or at least it was in one case, earlier this year, before an administrative law judge in Georgia.

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[85] *See* Brief for American Historical Association & Organization of American Historians as Amici Curiae Supporting Respondents, Dobbs v. Jackson Women's Health Organization, 142 S. Ct. 2228 (2022) (No. 19-1392).

[86] *See History, the Supreme Court, and* Dobbs v. Jackson, AM. HIST. ASS'N (Aug. 31,2022), https://www.historians.org/publications-and-directories/perspectives-on-history/september-2022/history-the-supreme-court-and-emdobbs-v-jackson/em-joint-statement-from-the-american-historical-association-and-the-organization-of-american-historians [https://perma.cc/BVB5-6EP7] (statement from the American Historical Association and the Organization of American Historians expressing "dismay[] that the [Court in *Dobbs*] declined to take seriously the historical claims" in their brief).

[87] GUNNAR MYRDAL, AN AMERICAN DILEMMA 7 (1944) (emphasis added).

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).[1] 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.[2]

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

[1] 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
[2] 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.[3]

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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[3] 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.[4]

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

[4] 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.)

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 programing 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 1/3rd of my students are U.S. Marshals inmates, and they *all have access* to all the programs."[5] 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

[5] 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.[6]

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

[6] 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 programing. 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."[7] 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 Morjé 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,

[7] 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.[8]

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."[9]

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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[8] Book summary, found at: https://www.amazon.com/Unusually-Cruel-Punishment-American-Exceptionalism/dp/0190659343.
[9] 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:
~
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].[10]

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

[10] 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).[11] 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.

[11] 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 18th. 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.[12] 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."[13] 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."[14]

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.[15]

[12] U.S. Constitution, Article I, Section 8, Clause 17.
[13] *District of Columbia* v. *John R. Thompson Co., Inc.,* (346 U.S. 100, 1953).
[14] Id.
[15] 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.

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.[16] 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.[17]

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."[18] 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]."[19]

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 51st 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—wrongs which have been materially demonstrated by the U.S. Marshals—but that your pleas that Congress remedy what

[16] 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.
[17] 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.
[18] Id.
[19] 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)

CITATIONS

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