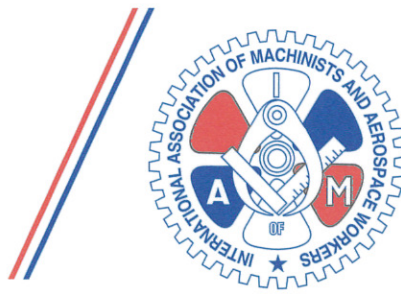


**International
Association of
Machinists and
Aerospace Workers**



9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Area Code 301
967-4500



OFFICE OF THE INTERNATIONAL PRESIDENT

May 19, 2021

President Joseph R. Biden Jr.
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

On behalf of the 1,200 workers that we represent at GEO facilities across the country, I am writing to express serious concerns with the current interpretation of your “Executive Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities” (“EO”). The EO is being interpreted by your Administration to prohibit the U.S. Marshal Service (“USMS”) from entering into intergovernmental agreements with state and municipal government entities that contract with privately operated facilities.

We strongly believe the elimination of the USMS’s ability to use contract facility operations is neither a safe nor logistically viable application of the policy. This interpretation is also having a devastating impact on unionized workers employed at private operated facilities. The closure of these facilities will result in thousands of hard-working Americans losing their good jobs during one of the most economically challenging times in our country’s history.

The USMS does not own or operate any of its own facilities and has historically relied heavily on contract facility operators to maintain the necessary flexibility to manage fluctuating populations in an efficient and cost effective way that best supports the courts as well as those in custody awaiting court action. By eliminating access to privately-operated facilities, USMS would no longer be able to consistently hold detainees in close proximity to courthouses.

Today, USMS generally holds detainees within 50 miles of courthouses. If privately-operated detention space is eliminated, that standard would become a thing of the past. Detainees could frequently be held 100 miles or more from a courthouse resulting in a logistical nightmare for our Marshal Service. This would place a new burden on USMS of having to transport detainees’ long distances, which is both dangerous and could dramatically increase cost. More importantly, holding detainees further from courthouses would deny their regular access to legal counsel, family, and crucial support networks. This unwanted consequence would fall hardest on the poor and people of color who are disproportionately held in USMS custody.

With respect to the private detention facilities used by USMS, we believe it is not necessary, nor is it advisable, to expand the EO's application to USMS. We note that the EO is currently silent on USMS. Furthermore, USMS has a different mission than Federal Bureau of Prisons ("BOP") and serves a specific population of detainees for different purposes than BOP. The USMC secures and transports detainees from arrest to incarceration; they do not house prisoners on a long-term basis such as BOP. Since the missions of BOP and USMS are very different, so should be the justification for major changes in the way these agencies operate.

As stated above, the harmful interpretation of this EO is going to unnecessarily cost thousands of hard-working Americans their good jobs. Given these facilities are among the largest employers (if not the largest employer) in the areas they are located, their closure would have a negative impact on the local communities and economies. Also, since each of these facilities has a unionized workforce, it tends to have the highest-paying jobs in the community as well, often by a wide margin.

We believe you made good on your campaign promises regarding private prisons when you signed this EO. However, the misguided interpretation of the EO to include USMS in its application is NOT in line with the policy objective of your administration. We strongly object to the current interpretation because the USMC's use for private-facilities is clearly distinct from the use of private prisons used by the BOP. The main intent of the EO is to address long-term criminal detention in private facilities. Unlike the BOP, the USMS does NOT house prisoners' long term, nor do they have their own facilities for detaining individuals.

Continuing to permit the USMS to enter into intergovernmental agreements with state and municipal governmental entities that contract with privately-operated facilities will provide USMS with the appropriate resources to carry out its mission. It will also allow our members to keep their good union jobs as they perform a critical function in our society.

For all of the above reasons, we respectfully ask that you reconsider this interpretation and not expand the scope of the EO to include USMS.

For more information, please contact IAM Legislative and Political Director Hasan Solomon at (301) 967-4575 or hsolomon@iamaw.org.

Sincerely,

A handwritten signature in black ink, reading "Robert Martinez, Jr." with a stylized flourish at the end.

Robert Martinez, Jr.
International President, IAMAW