

Exhibit C

SEAN PATRICK MALONEY
18TH DISTRICT, NEW YORK

COMMITTEE ON AGRICULTURE
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

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Congress of the United States
House of Representatives
Washington, DC 20515-3218

February 22, 2016

The Honorable Jeh Johnson
Secretary
Department of Homeland Security
300 7th St SW
Washington, D.C. 20024

The Honorable Loretta Lynch
Attorney General
Unites States Department of Justice
950 Pennsylvania Ave NW
Washington, D.C. 20530

Dear Sir and Madam:

I write regarding your departments' troubling investigation and on-going criminal prosecution of individuals associated with the website *Rentboy.com*. I believe your decision to devote taxpayer resources to pursue this matter raises deeply troubling questions about the priorities of your departments and the motivations of those under your direction who have now spent untold time and resources on this issue, including the use of undercover agents, rather than being focused on combatting terrorism and violent criminal activity.

You no doubt believe you have uncovered evidence suggesting *Rentboy.com* was profiting from illegal activity. As you know, this website operated entirely out in the open for nearly two decades. As the *New York Times* wrote recently in an editorial:

Prosecutors...have provided no reasonable justification for devoting significant resources, particularly from an agency charged with protecting America from terrorists, to shut down a company that provided sex workers with a safer alternative to street walking or relying on pimps. The defendants have not been accused of exploiting sex workers, featuring minors on the website, financial crimes or other serious offenses that would warrant a federal prosecution.

More troubling still is the role that anti-LGBT attitudes and biases may have played in your pursuit of this matter. As the *Gay City News* reported in September:

In a 22-page complaint and affidavit filed by Homeland Security Special Agent Susan Ruiz in support of the arrest warrants, we read an awful lot about the sexual desires *Rentboy.com*'s customers could expect to satisfy by hiring escorts who advertised there...In place of the usual objections to prostitution, we are offered salacious details of gay men's sexual appetites. It's hard not to conclude that law enforcement crafted the complaint and affidavit to appeal to popular disgust with the activities described. This may have been calibrated to incite visceral homophobic attitudes....

I do not question the need for strong enforcement in prostitution cases where there is even a hint of minors being exploited, where human trafficking plays a role, or where there is evidence of coercion. That does not appear to be the issue here. There was no indication of exploitation, trafficking, or coercion on *Rentboy.com*. Yet, to my knowledge, *Rentboy.com* has earned the distinction of being the only Internet-based site without any of these antecedent crimes to be targeted by the Department of Homeland Security (“DHS”). Based on their own prosecutorial work product, I am deeply concerned that your investigators were more motivated by the nature and orientation of the sexual activity facilitated by *Rentboy.com* than whatever unremarkable offenses the website’s operators may have assisted.

In America, gay sex is not a crime. Many of us have fought for years to have LGBT relationships treated with the same dignity and respect long afforded relationships in the straight community. By elevating the investigation and prosecution of *Rentboy.com* into a matter of “national security”, your departments run the risk of resurrecting discredited and discriminatory attitudes about the consensual sexual activity of LGBT adults. The Department of Homeland Security, in particular, was not established by Congress in the wake of the September 11th attacks to serve this purpose.

All Americans owe a debt of gratitude to the many DHS and DOJ employees who work tirelessly to keep us safe. But for much of American history, marginalized communities have experienced government primarily through harassment and oppression. In recent years, we have made real progress towards greater LGBT equality. President Obama and his administration deserve tremendous credit for supporting and enabling that progress. But this seemingly arbitrary action by DHS and DOJ – which appears to be aimed at shaming the LGBT community rather than protecting the American people – comes off as a disturbing relic of our troubled past. It is that dark history that drives my concern over your prosecution of *Rentboy.com*.

Ultimately what I am asking for is answers. I request that you each respond in writing with a specific explanation of why *Rentboy.com* was so uniquely targeted. Because without those answers, the actions of your departments will continue to raise deep concerns in the LGBT community and beyond about the motivations for this seemingly heavy-handed use of taxpayer resources.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Sean Patrick Maloney', with a stylized flourish at the end.

Sean Patrick Maloney
Member of Congress

JUDICIARY COMMITTEE

SUBCOMMITTEES:

RANKING MEMBER

COURTS, INTELLECTUAL PROPERTY,
AND THE INTERNET

CONSTITUTION AND CIVIL JUSTICE

**TRANSPORTATION AND
INFRASTRUCTURE COMMITTEE**

SUBCOMMITTEES:

HIGHWAYS AND TRANSIT

RAILROADS, PIPELINES AND HAZARDOUS MATERIALS

ASSISTANT WHIP



Congress of the United States
House of Representatives
Washington, DC 20515

JERROLD NADLER
10TH DISTRICT, NEW YORK

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April 15, 2016

Secretary Jeh Johnson
Department of Homeland Security
300 7th St. SW
Washington, D.C. 20024

Attorney General Loretta Lynch
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530

Dear Secretary Johnson and Attorney General Lynch:

I write regarding the investigation and prosecution of the individuals associated with the website *Rentboy.com* by the Department of Homeland Security (DHS) and the Department of Justice (DOJ). I am troubled by the targeting of this well-known website serving the LGBTQ community, and the rhetoric used by your agencies to describe the activities it facilitates, which together raise serious concerns that there may have been a discriminatory bias at play in pursuit of this matter. The intensity with which your agencies have pursued this case also begs the question of whether limited federal resources were wisely used, since it does not seem to rise to the level of many of the crimes of vital importance to national security and safety that you are charged with investigating and prosecuting. I request that you provide an explanation of the rationale for, and resources used in, pursuing this matter.

The extremely public raid on *Rentboy.com*'s offices, and the homes of its employees, has been seen by many as an attack on the sexual proclivities of its users rather than on the alleged illegal activities of the website. As the *New York Times* wrote in an editorial on August 28, 2015, shortly following the raid, "The criminal complaint is so saturated with sexually explicit details, it's hard not to interpret it as an indictment of gay men being sexually promiscuous." The potential role that anti-LGBTQ biases and attitudes may have played in this investigation and ongoing prosecution, as reflected in your offices' work products and statements related to this matter is deeply troubling. If true, it is absolutely unacceptable. At a minimum, the statements made by individuals in your offices require explanation.

Rep. Jerrold Nadler

April 15, 2016

Page 2 of 2

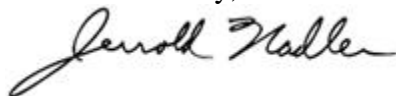
Sex workers in this country are often subjected to violence and abuse. LGBTQ sex workers face an elevated level of abuse, and many advocates have pointed out that actions like the *Rentboy.com* raid have the effect of forcing sex work deeper underground, where workers may not be afforded the protections that *Rentboy.com* provided. Our government must not take actions that drive the hard work of the advocates and leaders in the LGBTQ community backward to a time pre-*Lawrence v. Texas*, when gay sex could be criminalized, and send the message that gay sex is somehow taboo.

The activities facilitated by *Rentboy.com*, which has operated openly for nearly twenty years, are—by all accounts—consensual sexual activities between adults. Given the many serious crimes your agencies are charged with pursuing, and the limited resources at your disposal, it is questionable whether the investigation and prosecution of *Rentboy.com* are a wise use of these resources.

DHS' core values include a statement that “as a Department, we will be constantly on guard against threats, hazards, or dangers that threaten our values and our way of life.” When your agencies devote valuable resources to target a website that facilitates consensual LGBTQ sexual activity, use language indicating condemnation of such activity, and potentially jeopardize the well-being of the adults who use that site, it sends the wrong message about what “our values and our way of life” are. Your agencies should have no part in turning back the clock—indeed, DOJ should be committed to the pursuit of equality and equal protection of the laws, and DHS should be devoted to making certain that when violations of the law jeopardize national security, as in the case of human trafficking, a very real problem, it is addressed and fully prosecuted.

I ask that you provide an explanation of these actions and the resources devoted to the *Rentboy.com* raid and prosecution.

Sincerely,

A handwritten signature in cursive script that reads "Jerrold Nadler".

JERROLD NADLER
Member of Congress