

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
United 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,



Sean Patrick Maloney
Member of Congress