

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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January 21, 2021

The Honorable Carolyn Maloney  
Chairwoman  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Madam Chairwoman:

I write regarding the series of letters you sent last week to tourism and travel industry businesses demanding they begin “identifying and preventing the ongoing and extreme threat of further violent attacks” posed by their customers.<sup>1</sup> Your letters imply these business should temporarily shut down their services around the Washington D.C. metro area to prevent them from being co-opted by violent extremists.<sup>2</sup> The scope of these letters—void of any investigatory or legislative purpose—is far outside the Committee’s jurisdiction. In addition, the letters present serious civil liberties concerns and likely inhibit the ability of all Americans to exercise multiple First Amendment rights.<sup>3</sup>

For the past ten months, businesses have suffered under the weight of both government-ordered restrictions and the dramatic drop in demand for their services precipitated by the COVID-19 pandemic. Your demands of hotels, bus companies, car rental services, and booking services are particularly disturbing given the unique hardships these industries have already faced due to the ongoing COVID-19 pandemic.

Although I certainly share your concerns about the violence committed on January 6 and the potential for additional disturbances, it is the job of law enforcement to investigate, interrupt, and thwart such conduct, not private businesses. Congress should examine the January 6 attacks

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<sup>1</sup> *E.g.* Letter from Hon. Carolyn Maloney, Chairman, H. Comm. on Oversight & Gov’t Reform, to Mark S. Hoplamazian, President and CEO, Hyatt Hotels Corp., et. al. (Jan. 14, 2021), *available at* <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-01-14.CBM%20Combined%20Letters%20regarding%20Jan%206%20Attacks.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Const. amend. I.

to help determine what procedural or legislative changes may be needed to prevent a similar intrusion from ever happening again. We must not, however, let the passions resulting from those events justify government overreach at the expense of our core values, embedded in the Constitution for over 230 years.

Law enforcement is already investigating and identifying those involved in the January 6 attack, having already opened hundreds of case files and charging scores of individuals.<sup>4</sup> In addition to supporting those efforts, we need to determine whether additional measures from Congress can better prevent and respond to threats of violence against our government and our cities as both have been under attack over the past nine months. But our response should not instill fear in private sector businesses by requiring them to perform law enforcement duties upon their guests or customers. Your letter is a veiled threat to private business—no matter how large or how small—that they may be hauled before Congress unless they deputize themselves as law enforcement and start to surveil, censor, and police their customers.

Your letters are a threat to civil liberties at a time when we should be doubling down on protecting the rights to freedom of speech and peaceably assemble—especially in the District of Columbia, the seat of the people’s government. They will no doubt chill the tourism industry in and around the District of Columbia for the foreseeable future and have created a slippery slope by opening the door to private business excluding vast swaths of the population from utilizing their services based merely on stereotypes of unpopular political views or because their travel may correspond with political events. Your letters are also an attempt to usurp the law enforcement and prosecutorial functions squarely reserved to the executive branch of government. Lastly, these letters are not about uniting the country together to address the unprecedented challenges of our time—a message echoed by every government leader including the House Minority Leader and the President-Elect—but instead are about pitting businesses against their customers.

I urge you to reconsider this misguided approach.

Sincerely,

A handwritten signature in black ink that reads "James R. Comer". The signature is written in a cursive, slightly slanted style.

James R. Comer  
Ranking Member  
Committee on Oversight and Reform

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<sup>4</sup> Briefing by Michael Sherwin, Acting U.S. Attorney for the Dist. of Columbia with Comm. staff (Jan. 12, 2021).