



September 6, 2017

Vote “NO” on H.R. 620, “ADA Education and Reform Act of 2017”

Dear Representative:

On behalf of the American Civil Liberties Union (ACLU) and our nearly two million members and supporters, we urge members of the Judiciary Committee to oppose H.R. 620, the so-called ADA Education and Reform Act of 2017, during the markup of the legislation expected on September 7.

The ACLU opposes this legislation which would amend the Americans with Disabilities Act to fundamentally alter that way in which a person with a disability enforces their civil rights and would severely limit access to places of public accommodations. This misnamed and misrepresented bill would have a devastating impact on people with disabilities.ⁱ

H.R. 620 would amend the ADA to require that an individual with a disability first be denied access to a public accommodation, such as a business, doctor’s office, or private school, and go through a rigorous and lengthy processⁱⁱ before they are able to seek legal relief in order to gain access.ⁱⁱⁱ Specifically, this bill proposes that after an individual with a disability is denied access she must first notify the business owner, with exacting specificity, that her civil rights were violated, and then wait for six months to see if the business will make “substantial progress” toward access, before she can ask a court to order compliance. A business can spend years out of compliance, and face no penalty even after they receive notice, so long as “substantial progress” could be claimed. This would remove the incentive that was carefully crafted in the ADA over a quarter century ago to motivate business owners to act proactively to ensure their buildings are accessible to people with disabilities.^{iv} Contrary to the original intent of Congress, this bill would create a perverse incentive that would encourage businesses to wait until an individual’s rights are violated and the owner is notified of a barrier, before taking action to come into compliance.

This bill also departs from Congress’ previous treatment of federal civil rights protections and upends the way protected classes assert their rights. Recognizing the injustice of denying individuals access to public spaces, when Congress passed the Civil Rights Act of 1964 it included a provision allowing an individual who is denied access to public accommodations because of race, color, religion, or national origin to immediately seek relief through the courts to gain access.^v Building upon the demonstrated success of the 1964 law, when Congress passed the ADA it incorporated the same enforcement mechanism to protect people with disabilities and ensure their access to public accommodations.^{vi} In doing this, Congress recognized, and the ACLU firmly believes, that civil rights protections for people

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with disabilities should be treated no differently than protections based on race, color, religion, and national origin.^{vii}

H.R. 620 would drastically change the enforcement of these protections by shifting the burden from the business, which normally would ensure that its facility is accessible, to the individual with a disability who would have to first have her rights violated and then proceed to a lengthy, possibly endless, waiting period before she can assert her rights and fully gain access.

The ACLU urges every member of the Judiciary Committee to protect the civil rights of people with disabilities and honor our nation's commitment to ensuring access to public accommodations for all by opposing H.R. 620, the ADA Education and Reform Act.

Should you have any questions, please contact Tyler Ray (tray@aclu.org) or Vania Leveille (vleveille@aclu.org).

Sincerely,



Faiz Shakir
Director, Washington Legislative Office



Vania Leveille
Senior Legislative Counsel



Tyler Ray
Legislative Assistant

ⁱ Fact Sheet, Myths and Truths About the “ADA Education and Reform Act” (H.R. 620) (July 21, 2017), <https://www.aclu.org/other/hr-620-myths-and-truths-about-ada-education-and-reform-act>. [h](#).

ⁱⁱ The legislation would add an overly burdensome notification requirement and potentially unlimited waiting period that allows a business to be in perpetual non-compliance with the ADA, so long as they can show “substantial progress,” an undefined standard, towards providing accessibility.

ⁱⁱⁱ Under the ADA statute, the only legal recourse an individual has is to seek injunctive relief through access to the public accommodation and attorney’s fees associated with the denial of access. Damages are not provided for under the federal law.

^{iv} Congress also created a tax incentive for small businesses to comply with the ADA and provides federal funds for the ADA National Network, whose sole purpose is to help with ADA compliance. *See ADA Quick Tips-Tax Incentives*, www.ADATA.org/factsheet/quicktips-tax (last visited Sept. 6, 2017); *see also Learn About The National Network*, www.adata.org/national-network (last visited Sept. 6, 2017).

^v 42 U.S.C. §2000(a).

^{vi} 42 U.S.C. §12188.

^{vii} *Id.* “The remedies and procedures set forth in section 2000a–3(a) of this title [referencing the 1964 Civil Rights Act] are the remedies and procedures this subchapter provides to any person who is being subjected to discrimination on the basis of disability in violation of this subchapter or who has reasonable grounds for believing that such person is about to be subjected to discrimination in violation of section 12183 of this title.”

NATIONAL
DISABILITY RIGHTS
NETWORK

Protection & Advocacy for Individuals with Disabilities



September 6, 2017

The Honorable Bob Goodlatte
Chair, House Judiciary Committee
2309 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers
Ranking Member, House Judiciary Committee
2426 Rayburn House Office Building
Washington, DC 20515

Re: Letter of Opposition to the Americans with Disabilities Act (ADA) Education and Reform Act of 2017 (H.R. 620)

Dear Chair Goodlatte and Ranking Member Conyers:

The National Disability Rights Network (NDRN) writes in opposition to the ADA Education and Reform Act of 2017 (H.R. 620). Section 2 of this bill states that this bill was written in *consultation with ... and representatives of the disability rights community*. Over 27 years ago, the ADA was enacted as a compromise between the disability and business community. The disability community gave up the ability to receive damages from failure to comply with the federal ADA by only allowing injunctive relief and attorney's fees for violations of the law. Unfortunately, over 27 years after enactment, there are still organizations, businesses, and companies who have yet to comply with this important civil rights law for persons with disabilities.

NDRN is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems for individuals with disabilities. The P&As and CAPs were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navaho and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. Collectively, the P&A and CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

H.R. 620 was not written in consultation with representatives of the disability rights community as it would create barriers to the civil rights for persons with disabilities that

do not exist in other civil rights laws. It seeks to limit the power of the ADA and reduce compliance with the law.

As was mentioned earlier, the ADA has been law for over 27 years, if a business has decided to not comply with the requirements of this legislation by this point, why should a person have to wait more time for enforcement of their civil rights? Should an individual who is not allowed to enter a restaurant because of their race, gender or religion, have to wait before seeking to enforce their civil rights? The disability community already compromised with the passage of the ADA by not allowing individuals to seek damages from violations of their civil rights, but now legislation like H.R. 620 seeks to erode the civil rights of people with disabilities.

Congress should be ensuring that people with disabilities have full access to the community through the strong enforcement of the ADA, not making it more difficult for people with disabilities to be fully participating members of society. As H.R. 620 would erode the civil rights of people with disabilities, we must oppose this legislation. Please contact Dara Baldwin, Senior Public Policy Analyst at dara.baldwin@ndrn.org or 202-408-9514 ext. 102 should you have any questions.

Thank you for your time.

Sincerely,



Curt Decker
Executive Director

Cc: House Judiciary Committee



September 7, 2017

The Honorable Bob Goodlatte, Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable John Conyers, Jr., Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Re: Oppose H.R. 620 the “ADA Education and Reform Act of 2017”

Dear Chairman Goodlatte and Ranking Member Conyers:

The American Association for Justice (AAJ) opposes H.R. 620, the “ADA Education and Reform Act of 2017” as currently drafted. AAJ works to preserve the constitutional right to trial by jury and to make sure people have a fair chance to receive justice through the legal system when they are injured by the negligence or misconduct of others—even when it means taking on the most powerful corporations. Rather than contributing to the protections imparted on the disabled community by the Americans with Disabilities Act (ADA), this bill would significantly undermine the ADA by adding a number of burdensome requirements to those who have suffered from discrimination.

When physical barriers inhibit inclusion in society, disabled individuals look to the legal system to compel ADA compliance. This legislation bars the courthouse doors by complicating the process discriminated parties use to seek relief. Not only would H.R. 620 fail to improve the ADA, it would be detrimental to the considerable progress the law has made on behalf of disabled Americans.

AAJ has three main objections to the bill. First, H.R. 620 awards wrongdoers with a strategic advantage by forcing the disabled community to wait over half a year before filing a complaint. This is too long, and the time frame provided for compliance too uncertain.

Second, even within the six-month time period, there is no actual requirement that the barrier be removed. The legislation requires only that “substantial progress” be made, leaving disabled individuals in limbo, without access to public accommodations, and delaying access to enforcing their rights in court. Indeed, no definition is even provided of “substantial progress” in the bill, causing further confusion.

Finally, the required legal notice is burdensome and inconsistent with basic notice practice. This includes requiring enumeration of the specific sections of the ADA alleged to have been violated in the notice, confusing the purpose of a notice with the more specific requirements of a

complaint. The notice provision is further burdensome by requiring other specifics, such as alleging whether the barrier was temporary or permanent, which may or may not be obvious to persons with sight impairment, or whether a request for assistance was made, which is impossible to meet if the barrier makes it impossible to access a parking space or enter a building. The notice is out-of-step with other notice requirements, shifting the entire burden to the disabled person. The notice provision assumes that a person denied access should know everything about a property that he or she found inaccessible when its purpose should be to "notify" of a problem.

Disabled members of our community deserve the full protections of the Americans with Disabilities Act and the American court system. H.R. 620 erodes these protections.

We urge you to oppose H.R. 620 as currently drafted.

Sincerely,

A handwritten signature in cursive script that reads "Linda Lipsen".

Linda Lipsen
C.E.O.
American Association for Justice

**The Leadership Conference
on Civil and Human Rights**

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Wade J. Henderson
Executive Vice President & COO
Karen McGill Lawson

April 27, 2017

The Honorable Steve King
Chair, Subcommittee on the Constitution and Civil Justice
House Judiciary Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Steve Cohen
Ranking Member, Subcommittee on the Constitution and Civil Justice
House Judiciary Committee
U.S. House of Representatives
Washington, DC 20515

OPPOSE THE "ADA EDUCATION AND REFORM ACT OF 2017" (H.R. 620)

Dear Chairman King and Ranking Member Cohen:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 organizations to promote and protect the rights of all persons in the United States, we write to express our strong opposition to the ADA (Americans with Disabilities Act) Education and Reform Act of 2017 (H.R. 620).

The Leadership Conference believes in strong and vigorous enforcement of the ADA. Multiple bills have been introduced in Congress that seek to limit the power of the ADA and reduce compliance with the law. We oppose any such efforts, including H.R. 620, to limit the ability of people with disabilities to vindicate their rights in court.

H.R. 620 would impose a burdensome process before people with disabilities could file a civil action for an accessibility violation in a public accommodation case. Such restrictions on the ability of individuals to vindicate their rights do not exist for other protected classes who seek to access public accommodations. Moreover, these restrictions would undermine the compromise between the needs of business owners and people with disabilities that was crafted when the ADA was passed nearly three decades ago. H.R. 620 would upset this careful balance and dramatically shift the burden to access public accommodations from businesses to discrimination victims. The bill would remove incentives for businesses to comply with the law unless and until people with disabilities are denied access and submit the requisite notice. H.R. 620 would lead to the continued exclusion of people with disabilities from the mainstream of society and would turn back the clock on disability rights in America.


April 27, 2017
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For these reasons, we urge you to oppose the ADA Education and Reform Act of 2017. If you have any questions, please contact Mike Zubrensky, Chief Counsel and Legal Director, at zubrensky@civilrights.org or (202) 869-0380.

Sincerely,


Wade Henderson
President & CEO


Nancy Zirkin
Executive Vice President



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

September 7, 2017

The Honorable Bob Goodlatte
Chair, House Judiciary Committee
2309 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers
Ranking Member, House Judiciary Committee
2426 Rayburn House Office Building
Washington, DC 20515

Re: **UPDATED with additional signatories – (9/2017)** – Consortium for Citizens with Disabilities and Allies Letter of Opposition to the Americans with Disabilities Act Education and Reform Act of 2017 (H.R. 620)

Dear Chair Goodlatte and Ranking Member Conyers:

The undersigned **236** members of the Consortium for Citizens with Disabilities (CCD) and allies of CCD write in opposition to the ADA Education and Reform Act of 2017 (H.R. 620). The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

H.R. 620 would create significant obstacles for people with disabilities to enforce their rights under Title III of the Americans with Disabilities Act (ADA) to access public accommodations, and would impede their ability to engage in daily activities and participate in the mainstream of society. Rather, the burden of protecting the right to access a public place is shifted to the person with the disability, who first has to be denied access; then must determine that violations of the law have occurred; then must provide the business with specific notice of which provisions of the law were violated and when; and finally, the aggrieved person with the disability must afford the business a lengthy period to correct the problem.

The bill's proponents purport to protect business owners from the burden of understanding and complying with rules designed to ensure that people with disabilities could access public accommodations, on the ground that this burden is too heavy for businesses. Yet *people with disabilities* are expected to shoulder this burden and to provide businesses with information about the specific legal obligations that they are violating—*after* those individuals have been denied the access rights that Congress

gave them decades ago. We know of no other law that outlaws discrimination but permits entities to discriminate with impunity until victims experience that discrimination and educate the entities perpetrating it about their obligations not to discriminate. Such a regime is absurd, and would make people with disabilities second-class citizens.

Almost 27 years ago, the ADA was carefully crafted as a bipartisan compromise to take the needs of covered entities, including the types of businesses covered by Title III, into account. Among the compromises reflected in the ADA was the absence of any damage remedy in Title III; only injunctive relief and attorney's fees are available for violations of this part of the law. The fact that, almost 27 years after enactment, there are still organizations, businesses, and companies who violate the law and deny access to people with disabilities suggests that businesses should be better educated about their legal obligations under the ADA—just as they are expected to be about the other legal obligations that they undertake in running a business—not that we should limit the rights of people with disabilities to participate in their communities.

Section 2 of this bill states that the bill was written in *consultation with ... and representatives of the disability rights community*. But H.R. 620 was not written in consultation with representatives of the disability rights community and it would create barriers to the civil rights for persons with disabilities that do not exist in other civil rights laws.

As was mentioned earlier, the ADA has been law for almost 27 years. By this time, business owners have had ample notice of the ADA's requirements and opportunity to remove barriers. If, after 27 years, a business has continued to not comply with the requirements of this legislation, why should a person have to wait more time for enforcement of their civil rights? Should an individual who is not allowed to enter a restaurant because of their race, gender or religion, have to wait before seeking to enforce their civil rights? Title III of the ADA already reflects a compromise that takes into account the concerns of businesses; it does not allow individuals to seek damages for violations of their civil rights. Now legislation like H.R. 620 seeks to further erode the civil rights of people with disabilities

We look forward to an opportunity to speak with you and your staff about our concerns. As H.R. 620 would erode the civil rights of people with disabilities, we must oppose this legislation. Please contact Dara Baldwin, Senior Public Policy Analyst, National Disability Rights Network, at dara.baldwin@ndrn.org or (202) 408-9514 ext. 102 or Jennifer Mathis, Director of Policy and Legal Advocacy, Bazelon Center for Mental Health Law, at jenniferm@bazelon.org or (202) 467-5730 ext. 1313, with any questions.

Sincerely,

Advance CLASS Inc.
American Association of People with Disabilities (AAPD)
American Association on Health and Disability
American Civil Liberties Union (ACLU)
American Council of the Blind (ACB)
American Dance Therapy Association
American Foundation for the Blind (AFB)
American Network of Community Options and Resources
American Psychological Association (APA)
Association of Assistive Technology Act Programs
Association of University Centers on Disabilities (AUCD)
Autistic Self Advocacy Network (ASAN)
Bazelon Center for Mental Health Law
Brain Injury Association of America
Center for Public Representation
Christopher & Dana Reeve Foundation
Council of Parent Attorneys and Advocates, Inc. (COPAA)
Disability Rights and Education Fund (DREDF)
Easterseals
Epilepsy Foundation
Institute for Educational Leadership (IEL)
Jewish Federations of North America
Justice in Aging
Learning Disabilities Association of America
Lutheran Services in America Disability Network
National Alliance on Mental Illness
National Association of Councils on Developmental Disabilities (NACDD)
National Association of State Head Injury Administrators
National Center for Learning Disabilities (NCLD)
National Council on Independent Living (NCIL)
National Disability Institute (NDI)
National Disability Rights Network (NDRN)
National Down Syndrome Congress (NDSC)
National Health Law Program
National Multiple Sclerosis Society
Paralyzed Veterans Association (PVA)
Parent2Parent USA
TASH
The Advocacy Institute
The Arc of the United States
U.S. International Council on Disabilities (USICD)
United Cerebral Palsy (UCP)
United Spinal Association
Vietnam Veterans of America

Allies of CCD

9to5, National Association of Working Women
Ability 360
Ability1st is the Center for Independent Living of North Florida, Inc.
ACCESS for the Disabled, Inc.
Access Living
ADAPT (National)
ADAPT Montana
ADAPT of Texas
AFL-CIO
Alaska State Independent Living Council
Anti-Defamation League
Association of Programs for Rural Independent Living (APRIL)
Arizona Center for Disability Law
Arizona Disability Coalition
Arkansas State Independent Living Council (ARSILC)
Atlantis Community, Inc.
Autism Women's Network
Black Women's Roundtable
BNICEH "be nicer" (Black Network In Children's Emotional Health)
Boston Center for Independent Living
Brain Injury Alliance of Arizona
Brazoria County Center for Independent Living
Brooklyn Center for Independence of the Disabled
Bronx Independent Living Services
California Disability Alliance (CDA)
California Foundation for Independent Living Centers (CFILC)
Californians for Disability Rights
Center for Disability Rights
Center For Independence of Individuals with Disabilities
Center for Independence of the Disabled, New York
Center for Independent Living of the Keys
Children's Advocacy Institute
Coalition for Truth Independence
Communities Actively Living Independent & Free (CALIF)
Community Legal Aid Society, Inc.
Community Resources for Independent Living
Connecticut Legal Rights Project, Inc.
Dayle McIntosh Center
DC Advocacy Partners
DIRECT Center for Independence
Disabilities Resource Center of Siouland
DisAbility Advocacy and Access Network, Inc.

Disability Network Southwest Michigan
Disability Policy Consortium of Massachusetts
Disability Power & Pride
Disability Rights Arkansas (DRAR)
Disability Rights Center - CA
Disability Rights Center – NH
Disability Rights Iowa (DRIA)
Disability Rights Maine (DRME)
Disability Rights Maryland (DRMD)
Disability Rights Mississippi (DRMS)
Disability Rights New Jersey (DRNJ)
Disability Rights Pennsylvania (DRPA)
Disability Rights Tennessee (DRTN)
Disability Rights Vermont (DRVT)
Disability Rights Washington (DRWA)
Disability Rights Wisconsin (DRWI)
Ecumenical Ministries of Oregon
Enterprise Community Partners
Faith Voices Arkansas
Families and Friends of Louisiana's Incarcerated Children
Family Equality Council
Florida Alliance for Assistive Services and Technology, Inc.
FORGE, Inc.
Fort Bend Center for Independent Living
FREED Aging & Disability Resource Connection
Grassroots Global Justice Alliance
Green Think Tank for the Disability Community
Grounded Solutions Network
Housing Choice Partners
Houston Center for Independent Living
Human Rights Campaign
Idaho Federation of Families for Children's Mental Health
Idaho State Independent Living Council
IHSS Consumers Union
Illinois-Iowa Center for Independent Living
IMPRUVE (Independent Movement of Paratransit Riders for Unity, Vehicles, Equality)
Independence Associates, Inc.
Independence First
Independent Connection, Inc.
Independent Living Center of Hudson Valley
Independent Living Center of Southern California
Iowa Statewide Independent Living Council
Jewish Council for Public Affairs
Jewish Federation of Metropolitan Chicago

Justice for Families
Juvenile Law Center
Kentucky Protection & Advocacy
Lakeshore Foundation
Leadership Conference on Civil and Human Rights
Legal Action Center
Little People of America
Living Independence Network Corp. (LINC)
Living Independently for Today and Tomorrow
Louisiana Center for Children's Rights
Maryland Alliance of Disability Commissions & Committees
Mayor's Office for People with Disabilities, City of Chicago
Mazzoni Center
Mile High Connects
MommieActivist and son
NAACP Legal Defense and Educational Fund, Inc (LDF)
National Action Network (NAN)
National Association for the Advancement of Colored People (NAACP)
National Association of Human Rights Workers
National Association of Social Workers/Texas Chapter
National Association of the Deaf (NAD)
National Bar Association (NBA)
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition for the Homeless
National Coalition of Mental Health Recovery (NCMHR)
National Coalition on Black Civic Participation
National Council of Churches
National Council of Jewish Women
National Fair Housing Alliance
National Federation of the Blind
National Housing Law Project
National Juvenile Justice Network (NJJN)
National LGBTQ Task Force Action Fund
National Low Income Housing Coalition (NLIHC)
National Organization of Nurses with Disabilities (NOND)
National Youth Advocate Program, Inc.
Native American Disability Law Center, Inc.
NETWORK Lobby for Catholic Social Justice
New Jersey Parents Caucus, Inc.
New York Association of Psychiatric Rehabilitation Services (NYAPRS)
New York Association on Independent Living
New York State ADAPT

New York State Independent Living Council
North Dakota Protection & Advocacy Project
Northern West Virginia Center for Independent Living
Not Dead Yet
OHIO SILC
One Billion Rising
Oregon Walks
Paraquad
Pennsylvania Council for Independent Living
Pennsylvania Council of Churches
Pennsylvania Council of the Blind
Personal Attendant Coalition of Texas
PolicyLink
Portlight Strategies
REACH Resource Centers on Independent Living-Fort Worth, Dallas, Denton & Plano, TX
Regional Center for Independent Living (Rochester, NY) All About You Homecare
Resource Center for Accessible Living
Rochester ADAPT
Services Maximizing Independent Living and Empowerment (SMILE)
Sign Faith Voices AR
SKIL Resource Center in Parsons, KS
South Carolina Christian Action Council
Southwestern Center for Independent Living (SWCIL)
Statewide Independent Living Council of Illinois
Summit Independent Living
Texas Disability Project/ REV UP Texas
The ADA Legacy Project
The Advocacy Center of Louisiana
The Advocrat Group
The Center for Independence of the Disabled
The Coalition for Juvenile Justice (CJJ)
The Community of LGBT Centers
The Daniel Initiative
The District of Columbia Center for Independent Living, Inc.
The Freedom Center, Inc.
The IMAGE Center of Maryland
The Independence Center
The League
The League for People with Disabilities
The Maryland Coalition of Families
The National Association of Counsel for Children
The National Association of Social Workers (NASW)
The National Crittenton Foundation
The Nebraska Statewide Independent Living Council

The North Country Center for Independence in Plattsburgh
The Partnership for Inclusive Disaster Strategies
The Reformed Church in America
The Starkloff Disability Institute
Transformative Justice Coalition
Union for Reform Judaism
United Way of the Ouachitas, Hot Springs, Arkansas
V-Day
Vermont Coalition for Disability Rights (VCDR)
Vermont SILC
Vermonters for Criminal Justice Reform
Virginia Council of Churches
W. Haywood Burns Institute
Washington State Independent Living Council (WA SILC)
West Virginia State Independent Living Center, Inc.
White Apple Institute
Wisconsin Coalition of Independent Living Centers, Inc.
Witness to Mass Incarceration
Women Who Never Give Up

JOHN CONYERS, JR.
13TH DISTRICT, MICHIGAN

COMMITTEE:
RANKING MEMBER
JUDICIARY

SUBCOMMITTEE ON COURTS AND
INTELLECTUAL PROPERTY

SUBCOMMITTEE ON THE
CONSTITUTION

Congress of the United States
House of Representatives
Washington, DC 20515-2213

July 28, 2017

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Chairman Bob Goodlatte
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Chairman Goodlatte:

We write to express our most serious concerns regarding the disposition of House Resolution 446, the resolution of inquiry introduced by Rep. Pramila Jayapal (D-WA) and Rep. David Cicilline (D-RI). Due in part to the concerns set forth in this letter, we are introducing a further resolution of inquiry today to allow for an up or down vote on our Committee's willingness to engage in much needed oversight of the Trump Administration.

By effectively hijacking the substance of the resolution, denying Democratic amendments, and leaving the version of the resolution in legislative limbo—with Rep. Jayapal's name still on it—we believe that the Majority has subverted Committee process in a manner that is inconsistent with our practice and precedent.

As you are aware, the resolution introduced and co-sponsored by 42 Members of Congress sought information relating to the recusal of Attorney General Jeff Sessions, the removal of former FBI Director James Comey, and any recordings the White House may have made of conversations between Director Comey and President Trump. At the markup, you offered an amendment in the nature of a substitute—which was technical in nature, and designed to “preserve the Majority’s ability to ensure that the markup of this resolution proceeds smoothly and without dilatory tactics.”¹ You promised, as you have in previous Committee meetings, that the amendment was merely to “reserve the right” to cut off debate; your intent was “to give members sufficient time to debate this resolution.”²

Your procedural amendment was followed by an amendment offered by Rep. Matt Gaetz (R-FL) that struck the entire content of the resolution and substituted a request for information concerning a wide range of completely unrelated and unsubstantiated theories concerning Secretary Hillary Clinton, Cheryl Mills, and others. We believe that this amendment was non-germane under the rules of the House. You ruled otherwise.

The adoption of these amendments effectively denied the Committee an opportunity to vote on the underlying resolution. It also cut off consideration of any further amendments by our members. Under House rules, Rep. Jayapal has no opportunity to remove her name from a Committee-approved resolution to which she

¹ *Markup of H.R. 391, the “Asylum Reform and Border Protection Act”; and H. Res. 446, the “Resolution of Inquiry,”* before the H. Comm. on the Judiciary, July 26, 2017 (statement of Chairman Bob Goodlatte).

² *Id.*

Letter to Chairman Goodlatte
July 28, 2017
Page 2

is completely opposed. The Majority can now bring the resolution to the House floor as a matter of privilege, without the knowledge, support, or consent of the resolution's sponsors.

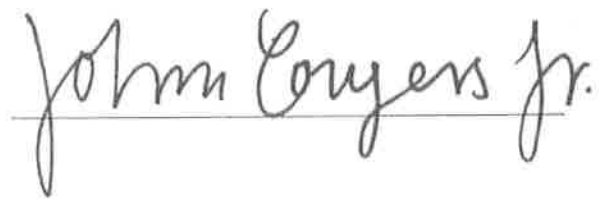
As the Chairman of the House Judiciary Committee, you have no need to distort our legislation in order to accomplish your oversight needs. You may demand whatever information you wish from the Trump Administration, supported by the threat of subpoena. (You did as much pursuant to the July 21, 2017 oversight letter you and your members sent to the Justice Department concerning the Obama Administration.) Indeed, we have urged you for months to conduct even basic oversight of the Department of Justice. We repeat our request that you call hearings with the leadership of the Department as soon as possible.

If even that power is insufficient for your needs, then members of the Majority are free to offer resolutions of inquiry of their own.

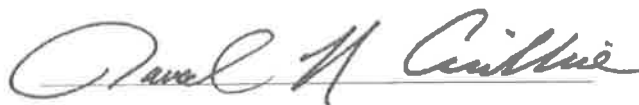
The tactics employed this week are inconsistent with the rights and prerogatives of the Minority as we have understood and observed them over our legislative careers. In our judgement, the Majority's actions were heavy-handed and violate the sense of fair process that you and other chairmen of this Committee have enjoyed over the years. We ask to meet with you to discuss these concerns, and to ensure that the Committee does not rely on this unfair and unfortunate precedent going forward.

Thank you for your attention to this matter.

Sincerely,

Handwritten signature of John Conyers Jr. in cursive script.

Handwritten signature of Pramila Jayapal in cursive script.

Handwritten signature of Paul A. Cilline in cursive script.

ASHLEY FEINBERG SECURITY 07.28.17 04:14 PM

A GOP STAFFER CROWDSOURCED AN ANTI-CLINTON RESOLUTION FROM REDDIT



A man hides his face behind a Pepe the Frog sign after Donald Trump spoke at a campaign rally in Albuquerque, New Mexico, in October. CARLO ALLEGRI/REUTERS

THIS PAST WEDNESDAY, a group of Republicans on the House Judiciary Committee presented an amendment calling for an investigation into alleged misconduct on the parts of Hillary Clinton and James Comey. It was a way to frustrate Democrats, but, more than that, it provided an opportunity to publicly discuss their very favorite thing: the many bygone misdeeds of Crooked Hillary. The amendment may sound to

what happened.

Sponsored by first-term Representative Matt Gaetz (R-Florida), the amendment itself sought to hijack what began as a resolution from Representative Pramila Jayapal (D-Washington) asking for information about Comey's firing. In response to Jayapal's proposal, Gaetz and a few fellow Republicans on the House Judiciary Committee effectively replaced the Democrats' resolution with one of their own. The new amendment (which you can read in its entirety [here](#)) asks for an investigation into things like "the propriety and consequence of immunity deals given to possible Hillary Clinton co-conspirators" and "James B. Comey's refusal to investigate then-Secretary of State Hillary Clinton regarding" a number of matters, including many of which may have come directly from [r/The_Donald](#).

Thursday night, three Twitter users discovered that a staffer for one of the resolution's sponsors attempted to crowdsource a number of the resolution's salient points from [r/The_Donald](#), a subreddit notorious for playing host to unfounded conspiracy theories and anti-Islam tendencies. In other words, not a conventional source of legislative inspiration.

"If the purpose of oversight investigations is to get to the truth," one longtime legislative staffer explained, "then using baseless conspiracies as your starting point is completely counterproductive to a direct investigation."

Devinm666

Three Twitter users—[@regress_eej](#), [@espressoself](#), and [@TrashWeightlift](#)—first identified the possibility that a staffer was using Reddit for legislative CliffsNotes, after Reddit user and frequent [r/The_Donald](#) visitor Devinm666's unique comment history caught their attention. Though the account has since been deleted, it included threads like this one:

REDDIT

The insider references to subpoenas, the legislative process, and working in Congress (as well as allusions to taking down Crooked H) prompted some additional digging. The three Reddit sleuths then saw that Devinm666 had actively solicited other [r/The_Donald](#) members for assistance with the upcoming amendment.

Devin Murphy.

"Yes, Devin is a staffer in our office," Gaetz wrote in an email to WIRED. "It is the responsibility of our staff to gather as much information as possible when researching a subject and provide that information for consideration. We pride ourselves on seeking as much citizen input as possible."

REDDIT

Publicly identifying one of its users is generally seen as a strict taboo on Reddit. But Murphy is a public official, and in this case was using the platform for public business. He also made little effort to hide his identity, at one point even posting his congressional ID badge, albeit with his name and face obscured.

While the original Reddit post calling for information has since been deleted, several versions survive, both in [Google's cache](#) and on the internet archive service [archive.is](#).

Though Devinm666 never explicitly said which congressman he worked for, his comment history left several clear indicators for [@regress_eej](#), [@espressoself](#), and [@TrashWeightlift](#). Not only is Gaetz [the amendment's sponsor](#) but Devinm666 mentions him more than any other politician, and generally refers to him as "Based Gaetz" (a term of reverence). A quick Google search was all it took for them to find that Gaetz [has a legislative correspondent](#) with the same name.

Archived version of Devinm666's post [GOOGLE CACHE](#)

"It really wasn't that hard once we found it," one of the users who uncovered Devinm666 explained. "He talked about how much he liked Representative Gaetz. He posted his House credentials. He talked about the bill. He sourced information. His Reddit username is his name. From there, it was just a matter of getting everything together."

At around 11 pm Thursday night, Devinm666 began deleting comments, unsurprising considering the frequency and detail with which he bragged about his government job. At this point, all of them are gone. In one [since-deleted post](#), Devinm666 explicitly claimed to have had a hand in crafting Gaetz's amendment.

REDDIT

Thursday he wrote again, "I did ask for stuff, and I helped draft this amendment." Even when not directly talking about his job, he would often allude to his position. In one comment thread responding to a question about how "normal" this sort of legislation was, Devinm666 wrote, "Actually quite abnormal within this Congress. Cucks abound, and they have not been defending the president. Hopefully that stops now."

Devinm666's internet history isn't limited to Reddit. He also has a YouTube account in which his "liked" videos include the [House Judiciary Committee hearing](#), from last Wednesday, that introduced Gaetz's amendment. Additionally, an Imgur account with the same username uploaded this GIF the day before Trump's inauguration:

REDDIT

He's also frequently defended the House of Representatives over the Senate. For instance, several days ago he wrote on Reddit, "It's easy to dump on Congress, but it's not all of Congress — it's the Senate. The House has been pretty good in passing bills that support Trump's agenda; over 200 House-passed bills are waiting in the cuck-filled Senate. A large part of the House's effectiveness is due to Scalise, as majority whip. Get well soon!" That post, too, has since been deleted, though you can see a [screenshot of it here](#).

Also deleted was [this post](#) from a few weeks ago, in which Devinm666 mentions his job yet again:

REDDIT

In March, after [Trump tweeted](#) that "we should start an immediate investigation into @SenSchumer and his ties to Russia and Putin. A total hypocrite!" Devinm666 posted that "I work in Congress, and someone in the office shouted 'oh fuck, check out Trump's twitter!' when this was posted. This is the best timeline ever!" It is also since deleted, and also preserved [here](#).

Devinm666 even let r/The_Donald in on his first day on Capitol Hill, posting a photo of his ID badge and what appears to be onboarding paperwork.

controversial views with the members of r/The_Donald. About seven months ago (prior to taking his current job), he referred to Barack Obama as "Barry o'Islama":

REDDIT

In other posts, he refers to Obama as a "Kenyan Muslim," and refugees in Germany as "raping savages." And just about a month ago, he celebrated the fact that "recess appointments are the fast track, without Cuck Schumer holding up every judge."

r/The_Donald

That Murphy sought out legislative advice from r/The_Donald, specifically, is all the more troubling given its history. Even though the forum officially condemns anti-Semitism and racism, racist, neo-Nazi, and anti-Islam tendencies have permeated the community since its inception.

r/The_Donald has also provided a breeding ground for a number of unfounded conspiracies. Most recently, it helped promote the Seth Rich murder conspiracy theory, which eventually found its way to Sean Hannity. Before that, r/The_Donald also acted as an incubator for the Pizzagate subreddit, which ultimately led to a man firing a rifle inside of a crowded restaurant. Devinm666 apparently sought to give that same community a platform in Congress.

As far as Devinm666's call for research assistance on July 25 goes, he claims to have been specifically tasked with coming up "with a list of Clinton/Obama/election scandals" in "the next few hours." He noted several times that he was in a time crunch. The resulting suggestions made by r/The_Donald are mirrored in roughly two-thirds of the total finished amendment.

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One section of the amendment calls for a special counsel to look into "James B. Comey's refusal to investigate then-Secretary of State Hillary Clinton regarding (A) selling access to the U.S. State Department through Clinton Foundation donations" In the Reddit post soliciting information, one user asked, "What about Bill's \$1million birthday gift from Qatar?" The comment linked to [this Reuters article](#) reporting that the "Clinton Foundation has confirmed it accepted a \$1 million gift from Qatar while Hillary Clinton was U.S. secretary of state without informing the State Department."

One redditor, speaking more generally, offered an extensive list that appears to have been used in its entirety.

REDDIT

The amendment also asks whether Comey had any knowledge of "the role that former National Security Adviser Susan Rice played in the unmasking of these individuals" on Donald Trump's campaign team. This would correspond to bigkr88's "susan rice unamsking [sic]." "Lynch obstruction" can be found in the amendment's first point, which asks that a special counsel investigate "then-Attorney General Loretta Lynch directing James B. Comey to mislead the American people." "Falsifying/manufacturing evidence for FISA warrants" would fall under the amendment's description of "efforts made by any Federal agency(i) to monitor communications of then-candidate Donald Trump."

REDDIT

And, finally, bigkr88's ultimate suggestion: "Fusion GPS working with the Russian government to manufacture the pissgate dossier" as well as "the pissgate dossier and how it was spread in general." The amendment itself asks that a prosecutor look into Fusion GPS, the intelligence company that investigated Trump during the campaign,

that dossier's commission and dissemination.

The amendment hasn't yet been scheduled for a vote, and it's unclear what kind of chance it has of passing. In the meantime, the users of r/The_Donald, at least, seem delighted by the results.



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