

BETH VAN DUYNÉ

24TH DISTRICT, TEXAS

**COMMITTEE ON TRANSPORTATION
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**SELECT COMMITTEE ON THE
MODERNIZATION OF CONGRESS**

Congress of the United States
House of Representatives
Washington, DC 20515-4324

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May 24, 2021

Chairman Ted Deutch
The Committee on Ethics
1015 Longworth House Office Building
Washington, D.C. 20515

Ranking Member Jackie Walorski
The Committee On Ethics
1015 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Deutch and Ranking Member Walorski,

This letter constitutes my official appeal of the Notification of a Violation of House Resolution 38 (H.Res. 38). My warning notice was issued on May 19, 2021 (pertaining to an alleged incident on May 13, 2021), and my violation notice was also issued on May 19, 2021. I am in receipt of both notices.

I appeal this violation and subsequent fine on several grounds:

First, on the date of my alleged violation, I was in full compliance with Center for Disease Control and Prevention (CDC) guidance. I am fully vaccinated and followed the science, which on May 13, 2021, was updated by the CDC to state that “fully vaccinated people no longer need to wear a mask or physically distance in any setting.” Any requirements to the contrary are reliant on the CDC guidance and so must fall within the CDC’s update. Furthermore, this policy no longer serves any purpose as evidenced by members failing to wear a mask in other public settings, such as the Speaker’s appearance at the White House.¹

It’s evident now that enforcement of any mask rule has become a partisan, political issue, rather than one grounded in science. Masks are now a political statement² to which I object, and requiring me to wear one violates my First Amendment rights under the United States Constitution. The meritless assessment of any fine also violates the Twenty-Seventh Amendment to the Constitution. Therefore, it is without merit and unenforceable.

I respectfully request that my appeal be granted and any fine stemming from an alleged violation be voided.

Sincerely,



Beth Van Duyne
Member of Congress

¹ <https://www.msn.com/en-us/news/politics/pelosi-accused-of-hypocrisy-after-mingling-with-white-house-crowd-without-a-mask/ar-AAKdjQe?li=BBnbcA1>

² See, <https://www.wsj.com/articles/face-masks-and-the-first-amendment-11621356093>

Office of the Sergeant at Arms
U.S. House of Representatives
Washington, DC 20515-6634

May 19, 2021

Notification of a Violation of House Resolution 38

The Honorable Beth Van Duyne
U.S. House of Representatives
1337 Longworth House Office Building
Washington, DC 20515

Dear Rep. Van Duyne:

Pursuant to House Resolution 38, you were warned on May 14, 2021, of a mask violation. You were then again observed not wearing a mask on May 18, and were asked by a member of my staff to wear a mask while in the Hall of the House of Representatives unless recognized to speak by the chair (see enclosure). Pursuant to House Rules the first violation results in a \$500 fine and \$2,500 for any subsequent offense.

As a result of your failure to comply with House Rules, and as this is the first violation, a fine of **\$500** is imposed upon you pursuant to clause 3(g) of House Rule II, and shall be administered as though pursuant to clause 4(d) of Rule II. As required by the resolution, I am notifying the Speaker, the Committee on Ethics, and the Chief Administrative Officer.

Please note that upon notification by the Sergeant at Arms of a fine, the Member, Delegate or Resident Commissioner may appeal the fine **IN WRITING** to the Committee on Ethics **NOT LATER THAN 30 CALENDAR DAYS OR FIVE LEGISLATIVE DAYS, WHICHEVER IS LATER**, after the notification.

Please contact Ted Daniel, Assistant Sergeant at Arms for Chamber Operations, at 225-2456 if you should have any questions or require clarification of the rule.

Sincerely,



William J. Walker
Sergeant at Arms

cc: The Honorable Nancy Pelosi, Speaker
Committee on Ethics
The Honorable Catherine Szpindor, CAO

Attachment: Warning letter and Ledger entry