

Congress of the United States
Washington, DC 20515

July 18, 2019

Department of Homeland Security
Acting Secretary Kevin K. McAleenan
Department of Homeland Security
301 7th Street SW, Mail Stop 0501
Washington, DC 20528-0150

Dear Acting Secretary McAleenan:

We are deeply disturbed by the recently revealed secret Facebook groups for current and retired U.S. Customs and Border Protection (CBP) agents that posted racist, misogynist, and xenophobic content.ⁱ Posts in the Facebook groups mocked dead migrants and joked about separating families—a shameful moment for our country—and used vile and degrading language and images about immigrants and female Members of Congress alike. Such messages are utterly incompatible with the mission of CBP, display a callous indifference toward the livelihood of immigrants, and foster a dehumanizing culture which makes human rights abuses more likely.

While CBP has issued public statements condemning the inappropriate social media posts and referenced that employees will be held accountable,ⁱⁱ we have seen insufficient details about what steps the agency plans to take to do so. A lack of effective response enables bad-acting employees and contributes to a broader culture of dehumanizing migrants and a lack of understanding of CBP's role as a humanitarian steward. And, concerningly, we understand now that CBP has known about the secret group named "I'm 10-15" for up to three years, and that Border Patrol Chief Carla Provost was a member as well as three current chief patrol agents, Matthew Hudak, Rodney Scott, and Jason Owens.ⁱⁱⁱ In addition to offensive content, photos of documents and government IDs of individuals were circulated in at least one group.

One of CBP's stated core values is integrity. On its website and elsewhere, CBP specifically states below its mission statement that "Integrity is our cornerstone. We are guided by the highest ethical and moral principles. Our actions bring honor to ourselves and our agency."^{iv} To that end, CBP policy bars employees from making "abusive, derisive, profane, or harassing statements or gestures" about any person or group on private or public social media. CBP indicated in public statements that the Agency, "does not tolerate misconduct on or off duty and will hold those who violate our code of conduct accountable."^v You yourself tweeted "that any employee found to have compromised the public's trust in our law enforcement mission will be held accountable."^{vi} Unfortunately, the public's trust has been compromised. It is hard to believe a CBP agent using racist or derogatory language in an anonymous Facebook with thousands of people would be able to perform their job effectively and humanely.

We understand that 62 current and 8 former Border Patrol employees are under internal investigation, with few details provided.^{vii} However, this is not the first time this type of incident has happened. In 2016, CBP investigated and acted on specific inappropriate social media posts and associated individuals when the Agency was made aware of it. In February 2018, the Office of Professional Responsibility issued guidance to the workforce reminding them that CBP

employees can be disciplined for inappropriate social media posts, including posts in private groups.

Given this, we ask that you respond to the following questions:

1. How many current employees were part of the Facebook groups named "I'm 10-15" and "The Real CBP Nation?" Of those current employees, how many posted or engaged with inappropriate content?
2. Did all employees in the Facebook groups receive letters instructing them to stop posting objectionable material?
3. Of those employees identified to have behaved inappropriately online, what disciplinary actions were taken? What threshold was determined for investigation?
4. How many employees have been suspended from patrol? How many have been placed on administrative or restricted duty? What steps is the agency taking while these 62 individuals are under investigation?
5. When an employee violates CBP's Standards of Conduct, what discipline policy does CBP have in place?
6. In the three years that CBP monitored the groups, did CBP act to identify or discipline employees violating CBP standards?
7. Have you found the individuals who circulated photos of documents and government IDs in the group(s)?
8. If you identify individuals who are government employees, but not employees of DHS, what are you doing with that information?
9. Is the Office of Professional Responsibility guidance on social media incorporated in employees' annual training?
10. What steps does CBP take to ensure that CBP agents understand their role as humanitarian stewards?

We are deeply outraged by the contempt for asylum seekers and migrants found in the Facebook groups in which current and former CBP agents participated. It is important for CBP agents to maintain the public's trust that they can do their job without bias and with concern for human welfare. The culture of the agency must match its humanitarian function. We look forward to your attention to this matter and ask that you reply no later than August 17, 2019.

Sincerely,



Donald S. Beyer Jr.



Gwen Moore



Henry C. "Hank" Johnson, Jr.



Debbie Mucarsel-Powell



Debbie Wasserman Schultz



Paul Tonko



Darren Soto



Earl Blumenauer



Eleanor Holmes Norton



Mark Pocan



Al Green



Dina Titus



Alan Lowenthal



Lori Trahan



James P. McGovern

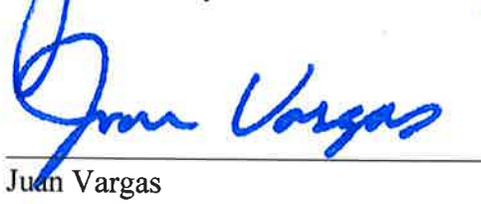


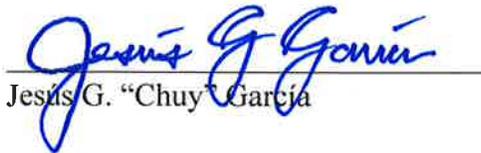
Eliot L. Engel



Vicente Gonzalez

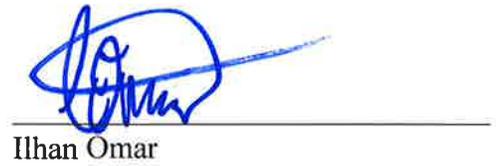

Jan Schakowsky


Juan Vargas


Jesús G. "Chuy" García


Susan A. Davis


Judy Chu


Ilhan Omar

ⁱ A.C. Thompson, "Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post Sexist Memes," *Pro Publica*, July 1, 2019 <https://www.propublica.org/article/secret-border-patrol-facebook-group-agents-joke-about-migrant-deaths-post-sexist-memes>

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ⁱⁱ CBP Statement on Private Facebook Group Activity, July 1, 2019. <https://www.cbp.gov/newsroom/speeches-and-statements/cbp-statement-private-facebook-group-activity>

ⁱⁱⁱ Ted Hesson and Cristiniao Lima, "Border agency knew about secret Facebook group for years," *Politico*, July 3, 2019 <https://www.politico.com/story/2019/07/03/border-agency-secret-facebook-group-1569572>

Ryan Devereaux, "Border Patrol Chief Carla Provost Was a Member of Secret Facebook Group," *The Intercept*, July 12, 2019 <https://theintercept.com/2019/07/12/border-patrol-chief-carla-provost-was-a-member-of-secret-facebook-group/>

^{iv} <https://www.cbp.gov/about>

^v Grace Segers, "Border Patrol investigates another potential secret Facebook group," *CBS News*, July 5, 2019 <https://www.cbsnews.com/news/border-patrol-investigates-another-potential-secret-facebook-group/>

^{vi} Tweet from @CBP: <https://twitter.com/CBP/status/1145756887893401600>

^{vii} Anne Flaherty, "62 employees, 8 former under investigation for crude online posts: Border officials," *ABC NEWS*, July 15, 2019 <https://abcnews.go.com/Politics/62-employees-investigation-crude-online-posts-border-officials/story?id=64348817>

Colleen Long/Associated Press, "62 border employees under internal investigation amid posts," July 15, 2019 <https://klewty.com/news/nation-world/62-border-employees-under-internal-investigation-amid-posts>