

Congress of the United States

Washington, DC 20515

May 17, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

Troy Miller
Senior Official Performing the Duties of the
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave NW
Washington, DC 20229

Dear Secretary Mayorkas and Mr. Miller,

I write to you in regards to the ongoing efforts by the U.S. Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) to eliminate racism, domestic extremism, and all forms of bigotry from its ranks. In a November 13, 2023, response to a previous Congressional inquiry into domestic violent extremism within DHS led by Representative Goldman and myself, DHS outlined several steps it is taking to “prevent, detect, and respond to domestic violent extremism” including preliminary background checks, enrollment in the continuous vetting program, annual Insider Threat Training, as well as investigative and disciplinary actions.¹

While I commend the efforts that DHS and CBP are making to resolve this ongoing problem, a HuffPost article from April 30, 2024, titled “Border Patrol Agents Joked About Killing Migrant Children, Records Show”² raises concerning questions and highlights a continuing pattern of unacceptable and derogatory rhetoric. Documents retained by HuffPost under the Freedom of Information Act reveal widespread use of the derogatory slur “tonk”, along with further examples of inhumane rhetoric from CBP agents including references to beating migrants, killing children in custody, lacing Rice Krispy Treats with cyanide, and more.

Treating all migrants and asylum seekers with dignity and compassion must be a bipartisan priority. In order to make sure that robust policies are in place to prevent CBP agents from violating human rights of migrants under any administration, I am requesting an update on the efforts DHS is currently taking to eradicate this problem. Specifically:

¹ November 13, 2023 DHS response

² Planas, R. (2024, April 30). *Uncovered emails reveal Border Patrol agent’s horrific jokes about children*. HuffPost. https://www.huffpost.com/entry/border-patrol-agents-joked-about-killing-migrant-children-records-show_n_662bfa3fe4b0ab66ede493de

1. Since the November 13, 2023, DHS response, (a) how many employees have been reviewed by the CBP Discipline Review Board (DRB) for discipline in findings of discrimination, (b) of those, how many employees did the DRB propose action for, and (c) for how many employees did deciding officials sustain the proposed disciplinary actions?
2. Since the November 13, 2023, DHS response, how many complaints from the public alleging violations of civil rights or civil liberties have been investigated by the DHS Office for Civil Rights and Civil Liberties' Compliance Branch, and of those, how many investigations have resulted in disciplinary action against DHS employees?
3. Since the publication of the HuffPost article on April 30, 2024, have there been any investigatory or disciplinary steps taken in response to the revelations of derogatory rhetoric and potential misconduct by CBP employees as demonstrated in the HuffPost article?
4. What patterns and trends in misconduct have been identified since the implementation of CBP's mitigation dashboard?

Sincerely,



Robert Garcia
Member of Congress



Dan Goldman
Member of Congress