Congress of the United States

Washington, DC 20515

July 17, 2023

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
301 7th Street, SW
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Chief Security Officer of the Department of Homeland Security (DHS) issued a report in March 2022 finding that "the Department has significant gaps that have impeded its ability to comprehensively prevent, detect, and respond to potential threats related to domestic violent extremism within DHS."[1] In December 2022, an investigation by the Project on Government Oversight and the Organized Crime and Corruption Reporting Project found that more than 300 individuals of the far-right militia group, the Oath Keepers, "described themselves as current or former employees of the Department of Homeland Security."[2] While we commend your commitment to identifying and combatting domestic violent extremism within the Department of Homeland Security's workforce[3], we write to you today calling for an update on the steps and actions you have taken to weed out extremists within your ranks.

Earlier this year, Senators Markey, Warren, and Booker wrote to you expressing serious concerns about the rise of paramilitary vigilante groups patrolling the U.S.-Mexico border and unlawfully intimidating, harassing, and detaining immigrants, sometimes in collaboration with, or with approval from federal agents.[4] The letter cites an incident from May 2021, where a Border Patrol agent met with members of the vigilante group Veterans on Patrol and praised their activities before collecting drone footage from the group. In response to the Senators' inquiry, Customs and Border Protection (CBP) told the Senators that CBP's Office of

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[1] *Report to the Secretary of Homeland Security Domestic Violent Extremism Internal Review: Observations, Findings, and Recommendations*. *U.S. Department of Homeland Security Office of the Chief Security Officer*. Dept. of Homeland Security. March 11, 2022. https://www.dhs.gov/sites/default/files/2022-03/Report%20to%20the%20Secretary%20of%20Homeland%20Security%20Domestic%20Violent%20Extremism%20Internal%20Review%20Observations%2C%20Findings%2C%20and%20Recommendations.pdf

[2] Nick Schwellenbach. *Hundreds of Oath Keepers Have Worked for DHS, Leaked List Shows*. Project on Government Oversight. Dec. 12. 2022. https://www.pogo.org/investigation/2022/12/hundreds-of-oath-keepers-have-worked-for-dhs-leaked-list-shows

[3] *A Message from Secretary Alejandro N. Mayorkas on Preventing Domestic Violent Extremism within DHS*. Dept. of Homeland Security. April 26, 2021. https://www.dhs.gov/sites/default/files/publications/21_0426_prevent-domestic-violent-extremism-within-dhs.pdf

[4] *Senators Markey, Warren, Booker Raise Alarm Over Vigilante Groups Patrolling Southern U.S. Border.* Senator Markey. Jan. 12, 2023. https://www.markey.senate.gov/news/press-releases/senators-markey-warren-booker-raise-alarm-over-vigilante-groups-patrolling-southern-us-border

Professional Responsibility (OPR) did not uncover any evidence of inappropriate association by the CBP agents or find any violations of CBP policy."[5]

Violent extremist groups and leaders, such as white supremacists and anti-government extremists, have been explicit about their desire to recruit current and former law enforcement personnel.[6] An internal FBI report determined that white supremacists actively seek out affiliation with federal and local law enforcement to further both their ideological goals and tactical knowledge in the use of force.[7] It is clear that the issue of extremists infiltrating federal law enforcement is a persistent and clear threat to the rule of law and national security, and urgent action is needed to root out domestic violent extremists from federal law enforcement agencies.

In order to better understand how DHS is responding to extremism within its workforce, we ask that you provide written answers to the following questions by July 31, 2023:

1. The March 2022 report by the Chief Security Officer at DHS found that at the time "DHS has not adopted an authoritative definition of 'domestic violent extremism' that can be incorporated into policies, guidance, and awareness materials."
    - Has DHS now adopted an authoritative definition of domestic violent extremism and has the agency taken into consideration any input from national experts on paramilitary and border vigilante groups on this matter?

2. In April 2023, CBP told Senators Markey, Warren, and Booker that "DHS is working on a department-wide directive that establishes efforts to prevent, detect, and respond to violent extremist activity within the DHS workforce. The Office of the Chief Security Officier is actively working on this directive."[8]
    - What is the current status of this directive? What obstacles, if any, are hindering its issuance and enforcement?

3. Regarding the policies and procedures that currently exist within DHS to address vigilantes, militias, and paramilitary groups, including any potential collaboration between officers and these groups, please answer the following questions:
    - What DHS or CBP policies or protocols exist for agents' interactions with vigilantes, militia, or paramilitary groups, including armed members?

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[5] Response Letter from CBP to Senators Markey, Warren, and Booker from Acting CBP Commissioner Troy Miller. April 3, 2023, Copy on file with Senator Markey's office.

[6] Maddy Crowell & Sylvia Varnham O'Regan. *Extremist Cops: How US Law Enforcement is Failing to Police Itself*. The Guardian. Dec. 13, 2019. https://www.theguardian.com/us-news/2019/dec/13/how-us-law-enforcement-is-failing-to-police-itself

[7] Josh Margolin. *White Supremacists 'Seek Affiliation' with Law Enforcement to Further their Goals, Internal FBI Report Warns*. Mar. 8, 2021. https://abcnews.go.com/US/white-supremacists-seek-affiliation-law-enforcement-goals-internal/story?id=76309051

[8] Response Letter from CBP to Senators Markey, Warren, and Booker from Acting CBP Commissioner Troy Miller. April 3, 2023, Copy on file with Senator Markey's office.

- What guidance or agency rules were used to determine that the agent cited in the May 2021incident did not violate CBP policy or was not found to have inappropriate association with vigilante groups? Please provide a copy of this guidance.
- Does DHS use publicly available information, including social media, beyond personnel security vetting, to identify or investigate potential violent extremist activity within the DHS workforce?
- How does DHS ensure that agents do not collaborate with paramilitary groups or other actors engaged in extremist activities? What are the specific protocols that govern contact with extremist organizations who may be active on the border, if contact occurs?
- How is DHS tracking interactions between DHS personnel and paramilitaries or other groups tied to domestic violent extremism?
- How is DHS collecting data and tracking incidents involving personnel that are not violent but nevertheless are threatening or intimidating?
- Have you made any referrals to other law enforcement agencies, including the Federal Bureau of Investigation, regarding paramilitary activity on the border? If so, does DHS keep a record of these referrals and are they publicly available?
- What training exists for DHS employees to understand and recognize warning signs of extremist activities and affiliation in their day to day work?
    - What policies and procedures are in place to ensure these warning signs can be reported to the appropriate offices?
    - What policies and procedures are in place to protect employee civil rights, civil liberties and due process?
- How is DHS advancing openness and transparency in providing the public information about its policies, procedures, and outcomes addressing domestic violent extremism at the agency?

4. Regarding your plans to address racially inappropriate conduct or biases:
    - Is there a process to encourage DHS personnel to report inappropriate and/or racially biased conduct and how do you protect persons who make these reports?
    - Does DHS review citizen complaints and internal complaints alleging racist behavior by personnel as a part of their day-to-day operations?

5. The House Oversight Committee released a report in 2021 after launching an investigation into a private group for Border Patrol agents called "I'm 10-15," following "alarming media reports of CBP employees threatening harm to migrants and elected officials."[9] The report found that "CBP reduced most agents' final discipline and allowed agents to continue working with migrants. The vast majority of agents—including those who made degrading and even threatening comments about migrants—received only minor discipline."[10] Regarding your approach to holding employees accountable to agency-wide standards for ethics, conduct, and policies, please respond to the following:

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[9] *Border Patrol Agents in Secret Facebook Group Faced Few Consequences for Misconduct.* House Oversight Committee. Oct. 2021. https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/COR%20CBP%20Facebook%20Group%20Report%20-%20October%202021.pdf

[10] *Id*.

- Why was the disciplinary action for the agents involved in the "10-15" Facebook group reduced compared to the recommendation from the CBP Discipline Review Board?
- Does DHS keep a record of other instances where the recommendations by the CBP Discipline Review Board are not fully implemented? Why are these discrepancies not reported in the annual public CBP report on employee accountability and discipline?
- In the last five years, has the CBP Discipline Review Board reviewed any cases involving domestic violent extremism, hate speech, or significant civil rights violations and if so, were its disciplinary recommendations followed? What were the final disciplinary outcomes?
- How does DHS plan to improve enforcement of CBP Discipline Review Board decisions and ensure that personnel engaged in egregious or bigoted behavior are held accountable?

We greatly appreciate your responses to all of the above questions and look forward to our future collaboration in rooting out this insurgent wave of anti-democracy activity seeking to undermine the rule of law, public trust in law enforcement, and other democratic institutions.

Sincerely,

Dan Goldman
Member of Congress

Robert Garcia
Member of Congress

Edward J. Markey
United States Senator

Elizabeth Warren
United States Senator

Cory A. Booker
United States Senator

Jasmine Crockett
Member of Congress

Alex Padilla
United States Senator

Barbara Lee
Member of Congress

Joaquin Castro
Member of Congress

Pramila Jayapal
Member of Congress

Nancy Pelosi
Member of Congress

Shri Thanedar
Member of Congress

J. Luis Correa
Member of Congress

Katie Porter
Member of Congress

Adriano Espaillat
Member of Congress

André Carson
Member of Congress

Troy Carter
Member of Congress

Jamie Raskin
Member of Congress

Sydney Kamlager-Dove
Member of Congress

Eric Swalwell
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Yvette D. Clarke
Member of Congress

Ted W. Lieu
Member of Congress

Dina Titus
Member of Congress

Earl Blumenauer
Member of Congress

Sheila Jackson Lee
Member of Congress

Grace Meng
Member of Congress

Adam B. Schiff
Member of Congress

Nydia M. Velázquez
Member of Congress

Eleanor Holmes Norton
Member of Congress

Raúl M. Grijalva
Member of Congress

Jan Schakowsky
Member of Congress

Seth Magaziner
Member of Congress

Ritchie Torres
Member of Congress

Salud Carbajal
Member of Congress

Haley M. Stevens
Member of Congress

Nikema Williams
Member of Congress

Rashida Tlaib
Member of Congress

Maxwell Alejandro Frost
Member of Congress

Becca Balint
Member of Congress

Veronica Escobar
Member of Congress

Greg Casar
Member of Congress

Shontel M. Brown
Member of Congress

Sylvia R. Garcia
Member of Congress

Mike Quigley
Member of Congress

Frederica S. Wilson
Member of Congress

Seth Moulton
Member of Congress

Dwight Evans
Member of Congress

Cori Bush
Member of Congress

Marc A. Veasey
Member of Congress

Ayanna Pressley
Member of Congress

Jimmy Gomez
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Paul D. Tonko
Member of Congress

Glenn Ivey
Member of Congress

Zoe Lofgren
Member of Congress

Jim Tokuda
Member of Congress

James P. McGovern
Member of Congress

Kathy Castor
Member of Congress

Sean Casten
Member of Congress

Suzanne Bonamici
Member of Congress

Ron Wyden
United States Senator

Richard Blumenthal
United States Senator

David J. Trone
Member of Congress

Jared Huffman
Member of Congress

Bonnie Watson Coleman
Member of Congress

Steve Cohen
Member of Congress