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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

October 8, 2020

Joseph V. Cuffari
Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Dear Inspector General Cuffari:

We write to request an immediate investigation into allegations of racism and racial targeting and harassment of U.S. government officials by Customs and Border Protection (CBP) agents at U.S. border crossings.

In May 2020, former U.S. diplomat Tianna Spears detailed a disturbing account of harassment by CBP officers during her first posting as a consular officer at the U.S. Consulate in Ciudad Juarez.¹ In her particular case, Ms. Spears, a Black woman, was stopped at the U.S.-Mexico border for questioning and inspections **approximately 25 times in a 6-month span**. Despite repeatedly identifying herself as a U.S. government official and asking CBP why she was being subjected to additional layers of inspection without explanation, these incidents continued.

On one occasion, Ms. Spears was asked if she was a “drug dealer,” although she held a diplomatic passport and a top secret security clearance. In another incident, she felt threatened by a CBP officer who placed his finger on the trigger of his holstered gun on at least one occasion. These deeply dehumanizing interactions led to significant and lasting declines in Ms. Spears’ mental health. Further, even after she relocated to another post in Mexico and sought the assistance of her superiors, Ms. Spears continued to experience issues crossing the border and, on at least one occasion, an officer empathized with her and confirmed her suspicion that she was being pulled over based on her race.² Months after she was told that an issue in CBP’s system had been addressed, she was again subjected to additional and unexplained inspections upon return to the U.S. The inability of CBP and the State Department to resolve these issues ultimately led Ms. Spears to leave public service altogether.

Distressingly, Ms. Spears’ case does not appear to be an isolated incident. Based on postings and accounts by other former diplomats, Ms. Spears’ experiences appear to be part of a troubling pattern of mistreatment of minority U.S. government officials by CBP agents at U.S. border

¹ Tianna Spears, “What Do I Want From White People? (An Illustration on Being Black in America),” May 30, 2020; Lara Jakes, “A Reckoning with Race to Ensure Diversity for America’s Face Abroad,” *New York Times*, June 27, 2020.

² Tianna Spears, “I Was a U.S. Diplomat. Customs and Border Protection Only Cared That I Was Black.,” *Politico Magazine*, August 30, 2020.

crossings.³ According to the American Academy of Diplomats, an association of former U.S. ambassadors and senior foreign affairs government officials, this issue is not new; problems range from CBP officers not accepting standard diplomatic documentation to engaging in repeatedly hostile questioning and delays of Black and Hispanic diplomatic officers.⁴ One Black diplomat recounted several instances of enhanced scrutiny and mistreatment by CBP officials based on skin color during his 30 years in the Foreign Service and 20 years in the Army.⁵ Other Black diplomats have reported experiencing border harassment, but have been too afraid of jeopardizing their careers to make formal complaints, indicating the historic and widespread nature of this issue.⁶

Not only are these incidents unacceptable, they fly in the face of our American values of diversity, equality, and respect for fundamental civil rights. The vile legacy of racially profiling Americans simply based on their skin color, a quality they have no choice in whatsoever, has no place in our nation's present nor our future. While we are aware CBP conducted its own internal investigation into specific allegations last year, the troubling and persistent nature of these complaints warrants further and broader examination by the Inspector General.

As such, we ask that you immediately open and conduct a full investigation that includes, at minimum, the following:

1. A full investigation into the allegations by Ms. Spears, including the basis for subjecting Ms. Spears repeatedly to secondary inspection at the U.S.-Mexico border and a review of CBP's internal investigation;
2. A review of all complaints to CBP and the Department of Homeland Security related to any targeting, profiling, harassment, abuse of authority, or improper treatment of U.S. government officials, particularly at U.S. border points of entry, including formal and informal complaints made to the Inspector General's office, the Joint Intake Center, the Office for Civil Rights and Civil Liberties; to employees in supervisory, managerial, or leadership positions; through any relevant hotlines; from federal agencies on behalf of other parties; at border stations and other ports of entry; and by any whistleblowers; and should include an assessment of whether race or ethnicity was a factor in any request for further inspection or inappropriate conduct;
3. A full accounting of all secondary inspections or screenings of U.S. government officials at border and ports of entry crossings since January 1, 2015, broken down by race and ethnicity;
4. All steps CBP has taken since January 1, 2015, to address targeting, profiling, harassment, abuse of authority, or improper treatment of U.S. government officials based on race;

³ See e.g., Tianna Spears, Comments, "What Do I Want From White People? (An Illustration on Being Black in America)," May 30, 2020

⁴ Letter from the American Academy of Diplomacy Regarding Harassment of American Diplomats at U.S. Border Entry Points, to Secretary of State Mike Pompeo, July 13, 2020.

⁵ Ambassador Charles Ray, "How U.S. Border Agents Mistreat Black American Diplomats," *Washington International Diplomatic Academy*, June 7, 2020; Jennifer Hansler & Kylie Atwood, "Diplomats Demand Pompeo Act on Accusations of Border Mistreatment of Minority Officers," *CNN*, July 15, 2020.

⁶ Jackie Northam, "'I Was Asked If I Stole My Car': Black Diplomats Describe Harassment at U.S. Borders," *NPR*, Aug. 3, 2020.

5. All communications and discussions CBP has had with the State Department or any other federal agency related to allegations or complaints involving racial targeting, profiling, and harassment of U.S. government officials by CBP officers at U.S. border crossings; and
6. Recommendations to reduce the inappropriate racial targeting, profiling, and harassment by CBP officers of U.S. government officials at U.S. border crossings.

Given CBP's troubled and well-documented history with racism and improper targeting in the past,⁷ we ask that you take these deeply disturbing allegations seriously and address them swiftly. We cannot afford to lose the best and brightest public servants our country has to offer to incidents that betray our American values. Agents responsible for this behavior must be held fully accountable and the practice of forcing minority diplomatic officials to bear the pernicious consequences of racial misconduct of other government officials must stop. Senate Foreign Relations Committee staff Brandon Yoder and Jasmine Wyatt are available to discuss this request in further detail. We look forward to your prompt response.

Sincerely,



Robert Menendez
Ranking Member



Cory A. Booker
United States Senator



Jeanne Shaheen
United States Senator



Christopher A. Coons
United States Senator



Benjamin L. Cardin
United States Senator



Jeffrey A. Merkley
United States Senator



Tim Kaine
United States Senator



Edward J. Markey
United States Senator

⁷ See e.g., Daniella Silva, "CBP Fires Four, Suspends Dozens Over Racist, Violent Facebook Groups," *NBC News*, July 17, 2020; Charles S. Clark, "Border Patrol Managers Mishandled Whistleblower Calling Out Racism," *Government Executive*, Oct. 10, 2017.