



**U.S. Customs and  
Border Protection**

**November 13, 2020**

The Honorable Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairwoman Maloney:

This letter is in response to the Committee's subpoena dated November 2, and whose return date is today. First I would note that from the date of service to the date of return is 11 days, one of which was Election Day and another was a Federal Holiday, giving the Agency 7 business days to respond. Nevertheless, we appreciate the Committee staff taking time yesterday to join a call to discuss the subpoena and the information the Committee is still interested in.

As mentioned on the call, and explained previously, during the course of investigating the alleged misconduct, CBP requested administrative access to the Facebook groups in question, but that request was denied. As a result, CBP cannot provide "All postings and comments, including images, videos, and text, from the "I'm 10-15" and "The Real CBP Nation" Facebook groups" because CBP does not possess all postings, nor is it the custodian of such material through the ordinary course of business. Similarly, CBP does not have the access to sufficient information to provide "Documents sufficient to identify all current and former employees who are or were members of these Facebook groups and the dates they were members." As a threshold matter, we do not have a comprehensive list of Facebook users who were members of these two groups, nor do we have the requisite access to obtain that information. Even if CBP did have that information, though, it is unclear whether a user's Facebook name could be cross referenced with CBP's employment information with any degree of certainty so as to positively ID the Facebook user with a CBP employee, absent additional information.

That said, please find attached to this email the resolution documents for an additional 2 cases that have been closed since our last production, and 2 cases specific to the investigation into "The Real CBP Nation" that closed shortly before the last production, but were not captured in the data pull.

We understand from our call yesterday that the Committee's purpose remains to investigate whether adequate measures were taken to investigate the allegations of wrongdoing. As the documents we have provided illustrate, and as the Committee's October 30 memo summarizes, there were a variety of outcomes as a result of the investigations, which demonstrates that there were individualized determinations made in each case. Nevertheless, you have stated that you have insufficient information to determine whether this process is adequate to deal with

allegations of misconduct. Moreover, you have insisted that you need the names of all individuals investigated to ensure that the investigations were appropriately done.

In response, we would say that the agency took the conduct seriously and as a result removed 4 individuals from their posts – a decision the agency is spending considerable resources to ensure that stands – and suspended or otherwise reprimanded others. Additionally, you have flatly refused to receive, as an accommodation, the names redacted with anonymized case codes to protect the identities of Border Patrol Agents – many of whom were found to have done nothing wrong.

With that said, CBP and DHS is willing to reconsider the extent of the redactions of the documents provided to date to include in the text the factors weighed by the deciding official in each case. This is to provide further evidence of the fact that CBP took the allegations seriously and made informed decisions in each case. We anticipate being able to have these documents to you by the end of the month.

If you should need further assistance, please contact my office at 202-344-1760.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Talton', with a stylized flourish at the end.

Stephanie A. Talton  
Deputy Assistant Commissioner  
Office of Congressional Affairs