

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 21, 2018

The Honorable Trey Gowdy  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

We are writing to request that the Committee issue a subpoena to compel U.S. Customs and Border Protection (CBP) to produce documents it has been withholding in response to our bipartisan request on May 15, 2017, regarding extremely disturbing allegations of sexual harassment and assault by CBP employees.<sup>1</sup>

We sent our joint request in May—along with Chairman Mark Meadows of the Subcommittee on Government Operations and Chairman Ron DeSantis of the Subcommittee on National Security—after multiple news accounts reported allegations that CBP employees at Newark Liberty International Airport:

- subjected fellow employees to sexual harassment and “terrorizing” sexual abuse;
- took fellow employees to a room used for monitoring security camera feeds, threw them down, and taped them to a conference table known as the “rape table”;
- subjected fellow employees to sexual assaults, which one victim described as follows: “they grab you like a gang, and they forcibly throw you on the table and one officer ended up mounting me and pretty much riding me like a horse”;
- chased one fellow employee, stated that she deserved “to be put on the rape table,” and held her down while another taped her to a chair;

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<sup>1</sup> Letter from Chairman Jason Chaffetz, Ranking Member Elijah E. Cummings, et al., House Committee on Oversight and Government Reform, to Acting Commissioner Kevin K. McAleenan, U.S. Customs and Border Protection (May 15, 2017) (online at <https://oversight.house.gov/wp-content/uploads/2017/05/2017-05-15-JC-EC-MM-GC-RD-SL-to-McAleenan-CBP-Newark-Airport-Incident-....pdf>).

- threatened a fellow employee with a firearm, entering the victim's office and making her afraid for her life and safety; and
- intimidated fellow employees to prevent them from making official complaints, and took no action when one victim did file an official complaint.<sup>2</sup>

In response to these horrendous allegations, we jointly requested that CBP produce seven categories of documents, including all documents regarding allegations of sexual harassment and assault for the past several years, the personnel files for employees accused of sexual harassment and abuse, and all documents relating to CBP's efforts to investigate these allegations.

To date, however, CBP has produced documents from only one of these seven categories—policy documents—and has not produced any documents we requested related to the sexual harassment and assault allegations.

We believe our Committee has a Constitutional obligation and a moral duty to investigate these heinous allegations of sexual assault against federal employees.

In the past, you have suggested that the Committee should not investigate matters when there is an ongoing criminal investigation. However, on February 8, 2018, the Committee sent multiple bipartisan letters requesting documents about sexual assault allegations associated with USA Gymnastics despite an ongoing criminal investigation.<sup>3</sup>

Of course, there have been many other instances under both Republican and Democratic Chairmen when our Committee has investigated matters while there were ongoing criminal investigations.<sup>4</sup>

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<sup>2</sup> *I-Team: Feds Investigate 'Rape Table,' Bombshell Hazing Allegations of Custom Officers at Newark Airport*, NBC4 New York (May 9, 2017) (online at [www.nbcnewyork.com/news/local/Hazing-Customs-Officers-Newark-Airport-Border-Patrol-Sex-Investigation-Rape-Table-Feds-Allegations-Security-Camera-421748953.html](http://www.nbcnewyork.com/news/local/Hazing-Customs-Officers-Newark-Airport-Border-Patrol-Sex-Investigation-Rape-Table-Feds-Allegations-Security-Camera-421748953.html)); *Newark Airport Border Officers 'Were Victims of Extreme Sexual Hazing' Which Included Being Taped to a 'Rape Table and Assaulted*, Daily Mail (May 9, 2017) (online at [www.dailymail.co.uk/news/article-4490412/Newark-Airport-officers-victims-sexual-hazing.html](http://www.dailymail.co.uk/news/article-4490412/Newark-Airport-officers-victims-sexual-hazing.html)).

<sup>3</sup> See, e.g., Letter from Chairman Trey Gowdy, Ranking Member Elijah E. Cummings, Rep. Steve Russell, Rep. Carolyn B. Maloney, and Rep. Virginia Foxx, House Committee on Oversight and Government Reform, to Kerry Perry, President and Chief Executive Officer, USA Gymnastics, Inc. (Feb. 8, 2018) (online at <https://oversight.house.gov/wp-content/uploads/2018/02/2018-02-08-OGR-to-USA-Gymnastics-Gymnastics-Team-due-2-22.pdf>). See also *A Former USA Gymnastics Coach is Now Under Investigation*, Time (Feb. 6, 2018) (online at <http://time.com/5136100/john-geddert-gymnastics-coach-investigation/>); *John Geddert: Former USA Gymnastics Coach Under Criminal Investigation After Larry Nassar Sentencing*, The Independent (Feb. 6, 2018) (online at [www.independent.co.uk/news/world/americas/john-geddert-usa-gymnastics-coach-criminal-investigation-larry-nassar-sexual-abuse-a8197976.html](http://www.independent.co.uk/news/world/americas/john-geddert-usa-gymnastics-coach-criminal-investigation-larry-nassar-sexual-abuse-a8197976.html)).

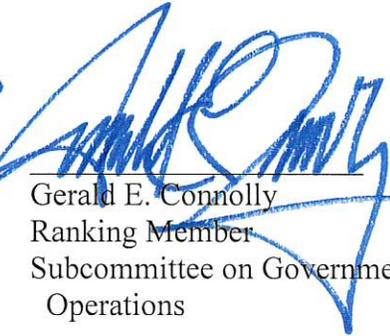
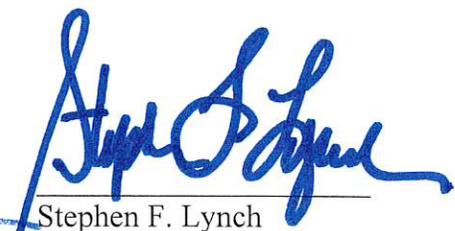
<sup>4</sup> These include the Committee's investigations into the outing of covert CIA Agent Valerie Plame, Jack Abramoff and illegal payoffs, the Financial Crisis of 2008, Operation Fast and Furious, Internal Revenue Service scrutiny of tax exempt applicants, Enron, insider trading by Martha Stewart, Whitewater, the White House Travel Office, and the Clinton Administration's campaign finances, not to mention your own investigation as Chairman of the Select Committee on Benghazi.

In this case, our goal should not be to determine the extent of criminal activity, which is properly left to investigators and prosecutors, but to examine whether changes need to be made to agency regulations or federal laws to prevent anything like this alleged sexual abuse and harassment from ever occurring again. Just as with our investigation of sexual abuse in gymnastics, we can conduct this investigation without negatively affecting any ongoing criminal investigation.

If you decline to issue this subpoena, then we request that you place this matter on the agenda for our next regularly scheduled business meeting so all Committee Members will have an opportunity to debate and vote on a motion to subpoena these documents.

Thank you for your consideration of this request.

Sincerely,

		
Elijah E. Cummings	Gerald E. Connolly	Stephen F. Lynch
Ranking Member	Ranking Member	Ranking Member
Committee on Oversight and Government Reform	Subcommittee on Government Operations	Subcommittee on National Security

cc: The Honorable Mark Meadows, Chairman  
Subcommittee on Government Operations

The Honorable Ron DeSantis, Chairman  
Subcommittee on National Security