

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

May 15, 2017

Mr. Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
1300 Pennsylvania Avenue NW  
Washington, D.C. 20004

Dear Mr. McAleenan:

Recent news accounts have reported serious and disturbing allegations of sexual assault and abuse by Customs and Border Protection (CBP) employees at Newark Liberty International Airport in Newark, New Jersey.<sup>1</sup>

According to statements by multiple whistleblowers, CBP officers at Newark Liberty International Airport have subjected fellow employees to a variety of activities classified as violent hazing and “terrorizing” sexual abuse.<sup>2</sup> In one account, CBP employees are alleged to have taken fellow employees to a room used for monitoring security camera feeds, where they proceeded to throw them down and duct tape them to a conference table.<sup>3</sup> The table is reportedly known as the “rape table.”<sup>4</sup> Individuals are then subjected to their fellow officers unwanted and extreme sexual assault. One of the victims of the assault described it as “...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.”<sup>5</sup>

The allegations of violent abuse and harassment are not limited to sexual hazing. One whistleblower has alleged that she was chased by a fellow officer who stated she “deserved to be

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<sup>1</sup> See, Sarah Wallace, et. al., I-Team: Feds Investigate ‘Rape Table’, Bombshell Hazing Allegations of Customs Officers at Newark Airport, NBC4 NEW YORK (May 9, 2017) (updated May 10, 2017), *available at* <http://www.nbcnewyork.com/investigations/Hazing-Customs-Officers-Newark-Airport-Border-Patrol-Sex-Investigation-Rape-Table-Feds-Allegations-Security-Camera-421748953.html> [*hereinafter* “Sarah Wallace, et. al.”]; Ariel Zilber, Newark Airport Border Officers ‘Were Victims of Extreme Sexual Hazing’ Which Included Being Taped to A “Rape Table and Assaulted’, THE DAILY MAIL (May 9, 2017) (updated May 10, 2017), *available at* <http://www.dailymail.co.uk/news/article-4490412/Newark-Airport-officers-victims-sexual-hazing.html>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Sarah Wallace, et. al., *supra* note 1.

<sup>5</sup> *Id.*

put on the rape table.”<sup>6</sup> After being chased, the individual was then held down by one officer, while another taped her to a chair. In another alleged incident, an officer threatened a victim with a firearm. The officer supposedly entered the victim’s office and pulled his firearm on the victim, making the victim afraid for her life and safety.<sup>7</sup>

According to the report, this egregious conduct has been occurring for years.<sup>8</sup> Victims of the reported abuse have stated that they were initially too intimidated to make official complaints, as immediate supervisors are “best friends” with the alleged perpetrators. When one victim did file an official complaint, it is alleged that their supervisor took no action other than to remove the so called “rape table.”<sup>9</sup>

Such serious allegations put forth by federal officers about *their fellow employees* are deeply disturbing. In order to better assist the Committee in its efforts, please provide the following by no later than May 29, 2017:

1. Identify the date when CBP first became aware of the allegations harassment and assault at Newark Liberty International Airport;
2. Identify the date and a complete account of what CBP did when it initiated its investigation of the allegations of harassment and assault at Newark Liberty International Airport;
3. Produce all documents referring or relating to all complaints of sexual assault, sexual harassment, or assault by fellow officers or CBP employees of this matter, whether formal or informal since January 1, 2010;
4. Produce all documents referring or relating to any CBP investigation of the alleged sexual abuse and harassment occurring at Newark Liberty International Airport;
5. Identify any and all personnel actions taken against employees or officers alleged to have participated in the sexual assault and harassment detailed in this letter, including the current status and disposition of any personnel action taken;
6. Produce the complete personnel files for all individuals alleged to have perpetrated or observed the sexual assault and harassment; and
7. Produce CBP’s policies and personnel guidance on harassment, sexual assault, and proper use of CBP issued service firearms, including, channels for individuals to report allegations of harassment or assault.

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Sarah Wallace, et. al., *supra* note 1.

<sup>9</sup> *Id.*

Mr. Kevin K. McAleenan

May 15, 2017

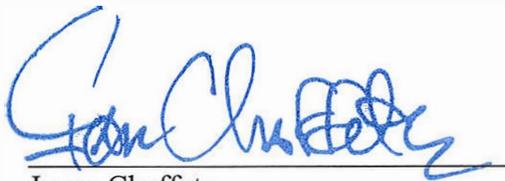
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When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena or testimony, promptly submit the attached notice of appearance to the Committee.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Please contact Patrick Hartobey with Chairman Chaffetz staff at (202) 225-5074, or Valerie Shen with Ranking Member Cummings staff at (202) 225-5051, with any questions about this letter. Thank you for your attention to this matter.

Sincerely,



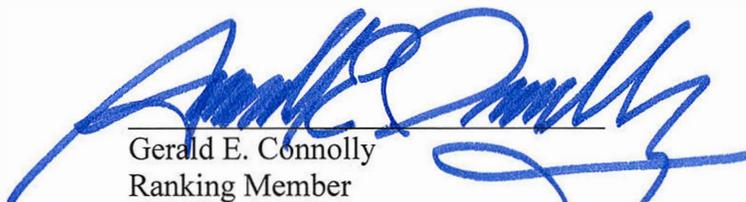
Jason Chaffetz  
Chairman



Elijah E. Cummings  
Ranking Member



Mark Meadows  
Chairman  
Subcommittee on Government Operations



Gerald E. Connolly  
Ranking Member  
Subcommittee on Government Operations



Ron DeSantis  
Chairman  
Subcommittee on National Security



Stephen F. Lynch  
Ranking Member  
Subcommittee on National Security

Enclosures

## Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:  
  
BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,  
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,  
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,  
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,  
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,  
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
U.S. HOUSE OF REPRESENTATIVES  
115<sup>TH</sup> CONGRESS**

**NOTICE OF APPEARANCE OF COUNSEL**

**Counsel submitting:** \_\_\_\_\_

**Bar number:** \_\_\_\_\_ **State/District of admission:** \_\_\_\_\_

**Attorney for:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for \_\_\_\_\_ in (select one):**

**All matters before the Committee**

**The following matters (describe the scope of representation):**

\_\_\_\_\_  
\_\_\_\_\_

**All further notice and copies of papers and other material relevant to this action should be directed to and served upon:**

**Attorney's name:** \_\_\_\_\_

**Attorney's email address:** \_\_\_\_\_

**Firm name (where applicable):** \_\_\_\_\_

**Complete Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_

**I agree to notify the Committee within 1 business day of any change in representation.**

\_\_\_\_\_  
**Signature of Attorney**

\_\_\_\_\_  
**Date**