

**Congress of the United States**  
**Washington, DC 20515**

February 15, 2020

Chad F. Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Mark A. Morgan  
Acting Commissioner  
U.S. Customs and Border Protection  
Washington, D.C. 20528

Dear Acting Secretary Wolf and Acting Commissioner Morgan,

We write to express significant concern about the Trump Administration's deployment of a Special Forces-type tactical unit from the southern border to several cities across the United States. According to news reports, the Department of Homeland Security (DHS) has deployed 100 officers as part of the Border Patrol Tactical Unit (BORTAC) to enable Immigration and Customs Enforcement (ICE) activities in cities including Boston, New York, Detroit, Chicago, San Francisco, Los Angeles, Atlanta, Houston, New Orleans and Newark.<sup>1</sup> Under current orders, units are responding to the "threat" of policies adopted by sanctuary cities. There is no clear justification for this escalation of immigration enforcement. Furthermore, unilaterally doing so, without first consulting with Congress, is also an inappropriate allocation of resources of a unit whose purpose is to confront other high-risk threats.

This unprecedented move follows a pattern of escalated hostilities targeting cities throughout the country that uphold the safety and humanity of our immigrant neighbors. Customs and Border Protection (CBP) officials have confirmed that BORTAC officers will be deployed to several cities from February through May "in order to enhance the integrity of the immigration system, protect public safety and strengthen our national security."<sup>2</sup> BORTAC officers are heavily armed and receive training for high-risk military operations that mirror aspects of the U.S. Special Operation Forces.<sup>3</sup> BORTAC officers' highly militarized training raises serious questions and concerns about their capacity to engage in community-based settings. Highly militarized and armed SWAT-like officials will not make our streets any safer, and their engagement may result in injuries and even casualties given BORTAC's inexperience managing community-based scenarios.

The use of excessive force by federal officers enforcing immigration laws has already resulted in casualties and drawn scrutiny from Members of Congress. Earlier this month agents with ICE's Enforcement and Removal Operations (ERO) division shot a man on one of his hands

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<sup>1</sup> Caitlin Dickerson and Zolan Kanno-Youngs, *Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities*, N.Y. Times, Feb. 14, 2020, <https://www.nytimes.com/2020/02/14/us/Border-Patrol-ICE-Sanctuary-Cities.html>.

<sup>2</sup> *Ibid.*

<sup>3</sup> U.S. Customs and Border Protection, *Border Patrol Tactical Unit Factsheet*, May 2, 2014, <https://www.cbp.gov/sites/default/files/documents/Border%20Patrol%20Tactical%20Unit.pdf>

then struck his face<sup>4</sup> while attempting to serve a deportation order in Brooklyn, New York. The man, unarmed, was besieged by agents who allegedly tackled him without identifying themselves as immigration enforcement agents. The use of force displayed in this incident seriously undermines ICE's credibility in the field and draws serious questions about its capabilities as a federal law enforcement agency. Deploying additional officers with even more arms and tactical training will only raise the already heightened sense of fear and anxiety in our immigrant communities.

CBP officials have also said that the goal of this joint operation is to increase arrests by at least 35 percent.<sup>5</sup> Setting arbitrary arrest benchmarks or quotas push ICE agents to treat immigrant families like targets and numbers, instead of human beings. Additionally, arbitrary quotas incentivize mass deportation sweeps that increase the likelihood of collateral arrests of family members, friends and other community members. Furthermore, the directive is particularly concerning, as the agency has consistently lacked transparency or oversight, and has a history of sweeping up citizens.<sup>6</sup>

Our communities are not war zones. We demand that you reverse course and immediately withdraw BORTAC and any other recently deployed CBP officers from our streets and neighborhoods. We also ask that your agencies provide answers to the following questions by February 28, 2020:

1. Please provide a full list of the cities where BORTAC or any other CBP officers have been deployed, including the number of BORTAC officers deployed and the anticipated length of time of their deployment.
2. Please provide any directives, policies or guidance outlining how BORTAC or any other CBP officers will be expected to enable ICE enforcement activities throughout the interior.
3. Please describe with citations CBP's legal authority to enforce immigration laws outside 100 miles of an international border.
4. Please list all protocols and safeguards that are in place to ensure BORTAC or any other recently deployed CBP officers are equipped and trained to engage in community-based settings.

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<sup>4</sup> Eyewitness News. ABC 7 NY. ICE agent shoots man in face during deportation fight in Gravesend, Brooklyn. Feb. 6, 2020. <https://abc7ny.com/5908029/>

<sup>5</sup> Caitlin Dickerson and Zolan Kanno-Youngs, *Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities*, N.Y. Times, Feb. 14, 2020, <https://www.nytimes.com/2020/02/14/us/Border-Patrol-ICE-Sanctuary-Cities.html>.

<sup>6</sup> Dustin Dwyer, *ICE Tried to Deport this U.S. Citizen and Marine Veteran*, NPR, Jan. 17, 2019, <https://www.npr.org/2019/01/17/686188335/ice-tried-to-deport-this-u-s-citizen-and-marine-veteran>.

5. Were BORTAC or any other recently deployed CBP officers provided with any additional training to engage in community-based settings prior to this deployment? If so, please describe such training and the dates in which they were offered.
6. CBP officials have claimed that the goal of this joint operation is to increase arrests by at least 35 percent. Provide the rationale behind the stated 35 percent arrest target and any guidance and directives associated with the operation.

Thank you for your urgent attention to this matter.

Sincerely,



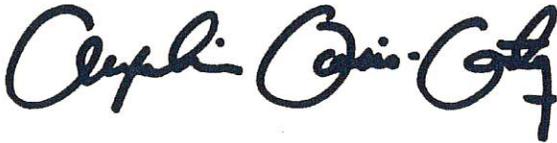
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Ayanna Pressley  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Alexandria Ocasio-Cortez  
Member of Congress



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Rashida Tlaib  
Member of Congress



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Jesus G. "Chuy" Garcia  
Member of Congress