

May 17, 2017

Dear Member of Congress,

We, the undersigned organizations, urge you to oppose the House Anti-Border Corruption Reauthorization Act (H.R.2213) and the Senate Boots on the Border Act (S. 595)—measures that would eliminate critical polygraph requirements, widely used by federal law enforcement, for some U.S. Customs and Border Protection (CBP) applicants. CBP, an agency with serious corruption and integrity issues, cannot be trusted to take shortcuts by weakening hiring standards.

Watering down CBP hiring standards through polygraph loopholes is dangerous and risks employing CBP officers and agents who jeopardize national security and public safety; compromising the largest law enforcement agency in the country. Indeed, these bills threaten to repeat recent disastrous history when agents hired during a late 2000s CBP surge were found to be corrupt—some working for international drug trafficking organizations—and prone to abuses such as excessive uses of force and sexual assault. In response, Congress enacted the Anti-Border Corruption Act of 2010 that mandated polygraphs for all persons applying for CBP law enforcement positions.

Other federal law enforcement agencies, including the FBI, DEA, ATF, and Secret Service, make no exceptions for polygraph testing of applicants. However, S. 595 and H.R.2213 would allow CBP to exempt subgroups of federal/state/local law enforcement and certain military and National Guard personnel, despite the fact that some of these applicants have never taken a polygraph exam or one as stringent as the one used in federal law enforcement.

The polygraph is an integral component of CBP vetting and has prevented corrupt or corruption-prone applicants from being hired and deployed. Two-thirds of applicants fail the CBP polygraph and hundreds have admitted to serious criminal activity during the screening process. Former CBP head of Internal Affairs James Tomsheck confirmed that applicants have revealed engagement with drug cartels and smuggling activities during their polygraph exams. He also stated that “[s]ome of the most significant corruption cases and excessive use-of-force problems were CBP officers or Border Patrol agents who had been in the military and had served in combat.”

CBP is facing staggering integrity and professionalism challenges. According to the Government Accountability Office, between 2005-2012 there were 2,170 reported incidents of arrests of CBP personnel for misconduct. That’s nearly one CBP officer or agent arrested for misconduct every single day for seven years. Almost 200 current or former CBP employees

were arrested or indicted since October 2004 for corruption-related activities, such as the smuggling of immigrants and drugs, of whom 125 had been convicted as of October 2012.

DHS's own CBP Integrity Advisory Panel of outside law enforcement experts concluded in 2015 that "there is data indicating that arrests for corruption of CBP personnel far exceed, on a per capita basis, such arrests at other federal law enforcement agencies." In its final report issued in 2016, the panel recommended that current polygraph testing be expanded to include post-employment tests that are best practices at the FBI and agencies in the U.S. intelligence community.

CBP has a horrendous track record of abuse and impunity. Since January 2010, more than 50 people have died in encounters with CBP personnel. Not only have many CBP agents and officers been implicated in excessive use of force incidents, but the rate of sexual misconduct by CBP personnel is significantly higher than other law enforcement agencies.

CBP undoubtedly faces recruitment and retention problems. But increasing hiring at the expense of the public's trust, creates serious national-security vulnerabilities, jeopardizes public safety, and degrades the quality of life for border residents.

Sincerely,

African American Ministers In Action
All Peoples Community Center
Alliance San Diego
American Immigration Lawyers Association
America's Voice
Arkansas United Community Coalition
Asian Americans Advancing Justice - AAJC
Asian Americans Advancing Justice-LA
Asian Pacific American Labor Alliance
Asian Pacific Institute on Gender Based Violence
Border Action Network
California Coalition Against Sexual Assault
Casa de Esperanza: National Latin@ Network
Center for American Progress
Chicago Religious Leadership Network on Latin America - CRLN
Christian Church (Disciples of Christ) Refugee and Immigration Ministries
Church World Service
Coalición de Derechos Humanos

Coalition for Humane Immigrant Rights (CHIRLA)
Columban Center for Advocacy and Outreach
Conference of Major Superiors of Men
Friends Committee on National Legislation
Green Valley/Sahuarita Samaritans
Hope Border Institute
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Legal Resource Center
Indivisible Highland Park
Inland Empire - Immigrant Youth Collective (IEIYC)
Jesuit Conference of Canada and the United States
Kids in Need of Defense
Kino Border Initiative
Latin America Working Group (LAWG)
League of United Latin American Citizens
March and Rally LA
Maryknoll Office for Global Concerns
Mi Familia Vota
National Advocacy Center of the Sisters of the Good Shepherd
National Council of La Raza (NCLR)
National Immigrant Justice Center
National Immigration Law Center
NETWORK Lobby for Catholic Social Justice
New Mexico Faith Coalition for Immigrant Justice
NM Comunidades en Acción y de Fe (CAFe)
North County Immigration Task Force
OneAmerica
Pangea Legal Services
People Organized for Westside Renewal (POWER)
Pilgrim United Church of Christ, Carlsbad CA
Pilipino Workers Center of Southern California
Playa Vista Job Opportunities and Business Services (PVJOBS)
Presbyterian Peace Fellowship
San Diego Immigrant Rights Consortium
Sierra Club
Sisters of Mercy of the Americas – Institute Justice Team
Somali Bantu Association of America
Southern Border Communities Coalition
Survivors of Torture, International

Texas Unitarian Universalist Justice Ministry
The Community Legal Research Center
The Good Shepherd United Church of Christ
The United Methodist Church - General Board of Church and Society
UndocuBlack Network
Unitarian Universalist Service Committee
United Farm Workers of America
United We Dream
Voto Latino
Women's Refugee Commission