



July 16, 2024

Troy A. Miller  
Senior Official Performing the Commissioner's Duties  
U.S. Customs and Border Protection

c/o Nathaniel Kaine  
Chief of Staff  
U.S. Customs and Border Protection

Via email

Dear Senior Official Miller:

As you may know, here at the Project On Government Oversight (POGO), we continue to focus on Customs and Border Protection (CBP) accountability and public trust as a matter of law enforcement reform and transparent governance. We recently published an article, "Leadership Crisis at Customs and Border Protection," that compiles a series of recent retirements and investigations related to alleged misconduct in your leadership ranks.<sup>1</sup> It describes the most recent controversy stemming from high level CBP officials' contacts with a tequila maker that led to the cancellation of the Border Patrol's 100th anniversary "gala," as well as the allegations against six current and former senior CBP personnel. They include:

- Tony Barker, the third-ranking official in Border Patrol, who faced allegations of sexual harassment/misconduct and retired;
- Joel Martinez, second-ranking official in Border Patrol, who faced allegations of sexual harassment/misconduct and retired;
- Ryan Landrum, head of the Border Patrol Academy, who was reportedly under a misconduct investigation and placed on administrative leave;
- Gloria Chavez, Border Patrol Rio Grande Valley Sector Chief, who is reportedly under investigation for alleged improper contacts (with no known administrative leave);
- Jason Owens, Chief of the Border Patrol, who is also reportedly under investigation for alleged improper contacts (with no known administrative leave); and
- Dr. Alexander Eastman, CBP's head of medical services, against whom whistleblowers have alleged extensive misconduct and mismanagement (with no known administrative leave).

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<sup>1</sup> Katherine Hawkins, "Leadership Crisis at Customs and Border Protection," Project On Government Oversight, June 25, 2024, <https://www.pogo.org/analysis/leadership-crisis-at-customs-and-border-protection>.

The article asks a key question: “Will the public ever know what happened?”

CBP told POGO that, “[c]onsistent with our commitment to transparency, we make reports public whenever possible within legal and privacy constraints.” Additionally — and of particular relevance for leadership personnel — your 2023 directive *Public Disclosure of Employee Information* explains:

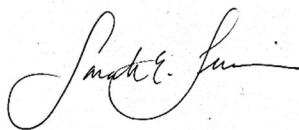
Pursuant to Section A. “The Presumption of Openness” of the Attorney General’s Freedom of Information Act Guidelines (March 15, 2022), CBP treats identifying information associated with Senior Executive Service (SES) personnel as generally releasable, classifying them by policy as public officials.<sup>2</sup>

Despite these public commitments to transparency, little to no information has been released about these exceptionally significant cases, about what hard “constraints” on CBP releasing information exist, or about why some situations result in administrative leave and others do not.

Going dark is the wrong approach to reassuring the public that you and leadership within DHS are taking these multiple, repeated problems seriously. **We are writing to ask you to proactively maximize CBP’s legally authorized release of information about these cases, as well as the wider controversy regarding Border Patrol’s 100th anniversary events.** The current, drastic lack of transparency by CBP leads to a lack of confidence that your component is capable of achieving internal accountability.

We respectfully request a meeting with you to discuss CBP’s appraisal of this pattern of serious misconduct allegations against leadership; where the various investigations stand, including whether independent outside review is warranted; and what changes CBP has made and intends to make to prevent future misconduct, particularly when retirement appears to be a common strategy for obviating investigations and their consequences. We look forward to scheduling a time for that discussion at your earliest convenience.

Sincerely,



Sarah E. Turberville  
Director, The Constitution Project at the Project On Government Oversight

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<sup>2</sup> Troy A. Miller, “Public Disclosure of Employee Information.” CBP Directive No. 51250-025 (Feb. 10, 2023), 8, <https://www.cbp.gov/sites/default/files/assets/documents/2023-Aug/CBP%20Directive%2051250-025%20-%20Public%20Disclosure%20of%20Employee%20Info.pdf>.