

Congress of the United States

Washington, DC 20510

July 2, 2020

The Honorable Michael Kozak
Acting Assistant Secretary for Western Hemisphere Affairs
U.S. Department of State

The Honorable Carol Z. Perez
Director General of the Foreign Service
and Director of Global Talent
U.S. Department of State

Dear Acting Secretary Kozak and Director General Perez:

We write to express our concerns about U.S. Foreign Service employees experiencing racially charged harassment by United States officials. Recently, we learned of Ambassador Charles Ray's stories of his repeated mistreatment at U.S. ports of entry, which took place for years.¹ We also learned of egregious cases such as the case of Tianna Spears, an African American Foreign Service Consular Fellow who resigned from her post in Mexico last year after suffering traumatizing harassment by fellow U.S. government officials at the U.S.-Mexico border with seemingly little support from State Department leadership.

Ms. Spears' experience, which she wrote about in a blog post, was recently covered in *The New York Times*.² According to Ms. Spears³, she was repeatedly targeted for secondary inspections by U.S. Customs and Border Protection (CBP) at the Ysleta Port of Entry—even after presenting her diplomatic passport and relevant documentation—when she attempted to cross the border from Mexico into the United States during her posting at the U.S. Consulate General in Ciudad Juarez. CBP officers often questioned her American citizenship, the validity of her diplomatic passport and credentials⁴ as a commissioned consular official, and otherwise harassed her during the inspection process, even though Ms. Spears not only held a U.S. government security clearance, but a further CBP specific clearance for expedited entry to the United States via CBP's SENTRI program.

¹ Ambassador Charles Ray, *How U.S. Border Agents Mistreat Black American Diplomats*, (June 7, 2020), <https://diplomaticacademy.us/2020/06/07/ray-border-agents-abuse-black-diplomats/>

² Lara Jakes and Edward Wong, *U.S. Diplomats Struggle to Defend Democracy Abroad Amid Crises at Home*, The New York Times, (June 6, 2020; updated June 8, 2020), <https://www.nytimes.com/2020/06/06/us/politics/protests-diplomats-coronavirus.html>

³ Tianna Spears, *What Do I Want From White People? (An Illustration on Being Black In America)*, (May 31, 2020), <https://whatsupwithtianna.com/2020/05/30/what-do-i-want-from-white-people-an-illustration-on-being-black-in-america/>

⁴ Robbie Gramer, *Fighting for U.S. Values Abroad, Black Diplomats Struggle With Challenges at Home*, (June 11, 2020), <https://foreignpolicy.com/2020/06/11/u-s-black-diplomats-state-department-george-floyd-protests-trump-pompeo-state-department-diversity-racial-injustice-police-violence-soft-power/>

In a three-month timeframe, Ms. Spears reported that she was pulled into secondary inspections approximately one to two times a week, while CBP seemed to allow her co-workers who are not Black to enter the U.S. without issue. One CBP manager went as far as saying, “Just because you say you work at the Consulate does not mean that you are not smuggling drugs into the country.” The same officer followed that statement by stating, while looking her up and down, that he “knew what drug dealers and smugglers look like.” Multiple times, she described to her consular management the lengthy and invasive secondary inspections to which CBP officers subjected her at the Ysleta Port of Entry. Even as she sought assistance from her management in requesting that CBP officers stop harassing her, the harassment continued unabated. Ms. Spears ultimately felt that the working conditions as a consular employee in Ciudad Juarez, Mexico, became intolerable because of the routinely humiliating and threatening secondary inspections she had to undergo to return to the United States.

Even after she was reassigned to a post in Mexico City, CBP officials continued to harass Ms. Spears by repeatedly viewing her profile on LinkedIn, a social media platform reserved for professionals that tracks profile viewers. As a result of the constant harassment she endured, Ms. Spears was diagnosed with PTSD shortly after her relocation. Unfortunately, Ms. Spears’ health deteriorated, and she was separated from the Foreign Service altogether after only one and a half years.

As you know, racial minorities are still underrepresented in the Foreign Service, particularly in the senior ranks, and employees that have come forward with similar cases often do so anonymously due to fears of retribution. Anecdotally, we hear many more stories of this type from U.S. Foreign Service employees and their families, who are often harassed by CBP⁵ at numerous ports of entry (air and land)⁶, based on their racial or ethnic origin. This is unacceptable. Foreign Service employees should be welcomed home and thanked for their service upon their return from duty, not worried about being harassed by their fellow Americans. The racially and ethnically based harassment and abusive treatment described in these accounts contributes to an unhealthy and inexcusable environment for Foreign Service and State Department personnel.

In a study of the State Department’s workforce diversity in January this year, the Government Accountability Office (GAO) found a decrease in the proportion of African Americans within the U.S. Department of State and differences in promotion outcomes for racial or ethnic minorities and whites. We are, therefore, concerned that cases similar to Ms. Spears case are common and underreported.

In order to hold those responsible for this abhorrent and racially motivated treatment accountable, we respectfully request answers to the following questions about the handling of Ms. Spears’ case.

⁵ Robbie Gramer, *Fighting for U.S. Values Abroad, Black Diplomats Struggle With Challenges at Home*, (June 11, 2020), <https://foreignpolicy.com/2020/06/11/u-s-black-diplomats-state-department-george-floyd-protests-trump-pompeo-state-department-diversity-racial-injustice-police-violence-soft-power/>

⁶ Ambassador Charles Ray, *How U.S. Border Agents Mistreat Black American Diplomats*, (June 7, 2020), <https://diplomaticacademy.us/2020/06/07/ray-border-agents-abuse-black-diplomats/>

Mr. Kozak, we request that you provide answers to the following questions:

1. When did the Consul General in Ciudad Juarez or other State Department management become aware that consulate employees assigned to the U.S Consulate at Ciudad Juarez routinely enter the U.S. at the Ysleta border crossing?
2. Before Ms. Spears reported her concerns, did the Consul General in Ciudad Juarez or any other State Department management-level employees receive any complaints from consulate employees that they were being subjected to harassment by CBP officers at the Ysleta port of entry? If so, when? Did there appear to be a correlation between race/national origin and employees who reported being harassed at the Ysleta border crossing?
3. Before Ms. Spears was reassigned to Mexico City, did you or the Consul General in Ciudad Juarez communicate with the Port Director at the Ysleta port of entry, the U.S. Customs and Border Protection's Office of Field Operations, the Chief Counsel of U.S. Customs and Border Protection and/or the Department of Homeland Security Office of General Counsel about the harassment and/or claims she filed?
4. Did you or the Consul General communicate with the Department of Homeland Security attaché in Mexico City and with the Department of State's Office of Mexican Affairs in Washington about Ms. Spears' harassment complaints?
5. If you or the Consul General did communicate with the individuals named in questions 2 or 3, did the DHS or CBP officials provide you with proposed employment actions for its employees involved in the harassment of Ms. Spears? If so, what steps did you take to ensure DHS or CBP carried out those actions?
6. What specific notification and follow up was Ms. Spears given by the Consul General in Ciudad Juarez, Regional Security Officers assigned to the consulate and Mexico, and the State Department, after reporting CBP's harassment, and being reassigned to Mexico City? When was Ms. Spears contacted and notified that the problem was resolved and those responsible were held accountable?

Ms. Perez, we request that you provide answers to the following questions:

7. What actions are you taking to increase the number of minorities that enter the Foreign Service? What specific actions are you taking to retain minorities throughout their careers that go beyond existing voluntary and coworker-led mentoring programs? What specific actions are you taking to remedy the difference in promotion outcomes for minorities through the ranks of the Foreign Service?
8. What actions have you taken thus far to address barriers to equal opportunity as described by the GAO's January 2020 study of the State Department's workforce and diagnose additional barriers as the GAO suggested?

9. What steps, if any, did the State Department take to retain Ms. Spears in the Foreign Service after learning that repeated harassment by CBP officers had affected her health?

Thank you for your attention to this critical matter.

Sincerely,



Cory A. Booker
United States Senator



G. K. Butterfield
Member of Congress



Edward J. Markey
United States Senator



Karen Bass
Member of Congress

/s/ Robert Menendez

Robert Menendez
United States Senator

/s/ Christopher S. Murphy

Christopher S. Murphy
United States Senator

/s/ Christopher A. Coons

Christopher A. Coons
United States Senator

/s/ Benjamin L. Cardin

Benjamin L. Cardin
United States Senator

/s/ Jeffrey A. Merkley

Jeffrey A. Merkley
United States Senator

/s/ Jeanne Shaheen

Jeanne Shaheen
United States Senator

/s/ Tom Udall

Tom Udall
United States Senator

/s/ Tim Kaine

Tim Kaine
United States Senator

/s/ Brad Sherman

Brad Sherman
Member of Congress

/s/ Adriano Espaillat

Adriano Espaillat
Member of Congress

/s/ Susan Wild

Susan Wild
Member of Congress

/s/ Gregory W. Meeks

Gregory W. Meeks
Member of Congress

/s/ David N. Cicilline

David N. Cicilline
Member of Congress

/s/ David Trone

David Trone
Member of Congress

/s/ Joaquin Castro

Joaquin Castro
Member of Congress

/s/ Jim Costa

Jim Costa
Member of Congress

/s/ Juan Vargas

Juan Vargas
Member of Congress

/s/ Albio Sires

Albio Sires
Member of Congress

/s/ Andy Levin

Andy Levin
Member of Congress

/s/ Dean Phillips

Dean Phillips
Member of Congress

/s/ Ted Deutch

Ted Deutch
Member of Congress

/s/ Colin Z. Allred

Colin Z. Allred
Member of Congress

/s/ Ilhan Omar

Ilhan Omar
Member of Congress

/s/ David E. Price

David E. Price
Member of Congress

/s/ Alma S. Adams, Ph.D.

Alma S. Adams, Ph.D.
Member of Congress

CC: Mark Morgan, Acting Commissioner, U.S. Customs and Border Protection