

United States Senate  
WASHINGTON, DC 20510

April 6, 2022

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
300 7th Street SW  
Washington, D.C. 20024

Dear Secretary Mayorkas,

We write you today to request that you disclose the investigative findings of the investigation by U.S. Customs and Border Protection's Office of Professional Responsibility (OPR) regarding horse patrol activity in Del Rio, TX in September.

On September 19, 2021, pictures were taken of U.S. Border Patrol agents on horseback using horse reins as part of an effort to prevent Haitian migrants from illegally crossing the border near Del Rio, TX.<sup>1</sup> This led to accusations from immigration activists and Democrat politicians that the reins were being used as whips,<sup>2</sup> despite numerous accounts to the contrary.

At the time, members of the Biden Administration very publicly and harshly condemned this patrol activity.<sup>3</sup> Before any facts were gathered, President Biden vowed that the agents "will pay"<sup>4</sup> for this patrol activity, and Vice President Harris called the agents' activity "horrible" and said that there "needs to be consequences and accountability,"<sup>5</sup> despite that the photographer who captured the images in question said that the photographs were being "misconstrued" as whipping.<sup>6</sup> The agents were placed on leave from their law enforcement duties pending an investigation.<sup>7</sup>

After initially explaining that agents use long reins like the ones depicted to control their horses, not as whips,<sup>8</sup> you later changed your position and said that you were "horrified" and would be conducting a swift investigation, promising that the Department of Homeland Security (DHS) would act "with full force based on the facts that we learn."<sup>9</sup> You stated

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<sup>1</sup> <https://nypost.com/2021/09/24/border-patrol-pics-were-misconstrued-photographer-says/>.

<sup>2</sup> <https://nypost.com/2022/03/29/border-agents-whipping-investigation-still-open-months-after-quick-probe-promised/>.

<sup>3</sup> <https://nypost.com/2021/09/24/border-patrol-pics-were-misconstrued-photographer-says/>.

<sup>4</sup> <https://nypost.com/2021/09/24/border-patrol-pics-were-misconstrued-photographer-says/>.

<sup>5</sup> <https://www.latimes.com/politics/story/2021-09-24/kamala-harris-says-footage-of-border-patrol-on-horseback-evokes-images-of-american-slavery>.

<sup>6</sup> <https://nypost.com/2021/09/24/border-patrol-pics-were-misconstrued-photographer-says/>.

<sup>7</sup> <https://nypost.com/2021/09/22/dhs-puts-border-agents-accused-of-whipping-migrants-on-desk-duty/>.

<sup>8</sup> <https://nypost.com/2021/09/20/dhs-chief-alejandro-mayorkas-pushes-back-on-haitian-migrant-abuse-claims/>.

<sup>9</sup> [https://www.washingtonpost.com/politics/mayorkas-border-patrol-haitians/2021/09/21/fd1fd09e-1ad4-11ec-a99a-5fea2b2da34b\\_story.html](https://www.washingtonpost.com/politics/mayorkas-border-patrol-haitians/2021/09/21/fd1fd09e-1ad4-11ec-a99a-5fea2b2da34b_story.html).

that this investigation would “be completed in days – not weeks,”<sup>10</sup> because “[t]he public needs and deserves to know its results.”<sup>11</sup>

We agree that the public deserves to know the results of this investigation. Yet, it has been more than six months since this episode occurred, and no report has been released. It appears that DHS last referenced OPR’s investigation on November 16, 2021.<sup>12</sup>

A news report from earlier this year quotes a DHS official noting that, in the agent’s experience, this report “would have been done within a period of weeks,” but adding: “I doubt that the current administration will release this report on the horse patrol incident because it makes the administration look terrible. They essentially convicted the mounted agents based upon a lie.”<sup>13</sup> It remains unclear why these findings have not been released.<sup>14</sup>

The American people—and especially your agents whose superiors publicly accused them of misconduct—deserve the transparency you promised, even if it is embarrassing for the Biden Administration.

Therefore, we request that you publicly release the OPR investigate findings, including any reports regarding such findings, by Wednesday, April 13, 2022.

Sincerely,



Bill Hagerty  
United States Senator



John Cornyn  
United States Senator



Ted Cruz  
United States Senator



Kevin Cramer  
United States Senator

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<sup>10</sup> <https://www.usatoday.com/story/news/politics/2021/09/22/photos-border-patrol-using-horse-reins-whips-prompts-dhs-probe/5812845001/>.

<sup>11</sup> [https://www.washingtonpost.com/politics/mayorkas-border-patrol-haitians/2021/09/21/fd1fd09e-1ad4-11ec-a99a-5fea2b2da34b\\_story.html](https://www.washingtonpost.com/politics/mayorkas-border-patrol-haitians/2021/09/21/fd1fd09e-1ad4-11ec-a99a-5fea2b2da34b_story.html).

<sup>12</sup> <https://www.dhs.gov/news/2021/11/16/dhs-update-regarding-investigation-horse-patrol-activity-del-rio-texas-september-19>.

<sup>13</sup> <https://www.washingtonexaminer.com/policy/report-on-texas-horse-patrol-incident-may-never-materialize>.

<sup>14</sup> <https://nypost.com/2022/03/29/border-agents-whipping-investigation-still-open-months-after-quick-probe-promised/>.



Josh Hawley  
United States Senator



Tommy Tuberville  
United States Senator



Mike Lee  
United States Senator