

Congress of the United States
Washington, DC 20510

November 19, 2018

The Honorable James N. Mattis
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Mattis,

We write to request information about the Department of Defense's (DOD) deployment of more than 5,000 active duty service members to the southwest border to support the Department of Homeland Security (DHS) and Customs and Border Protection (CBP).

A press report earlier this week indicated that Pentagon officials view this deployment as "an expensive waste of time and resources, and a morale killer to boot."¹ We are distressed by this report, and increasingly concerned about the lack of planning for and continued lack of clarity surrounding this operation, the lack of a clear mission for the deployed troops, the cost of this operation, and the appearance that the President is using the military for partisan political purposes.

On October 29, 2018, a little more than a week before the mid-term election, President Trump announced the deployment of active duty military personnel to the southwest border region in response to what he called an "invasion."² The so-called invasion he was referring to is a group of several thousand Central American migrants fleeing violence and instability in their home countries, who have been journeying north by foot for weeks in an attempt to seek asylum in the United States.³ President Trump has also ominously warned that this caravan contained "unknown Middle Easterners" and "criminals,"⁴ though there is no credible, publicly-available evidence to support those claims. Since the election, President Trump has scarcely mentioned this caravan.

On October 26, 2018, at the request of President Trump through a DHS request for support, you signed an order to authorize active duty military personnel to "provide Defense Support to Civil Authorities (DSCA) with planning assistance, engineering support (temporary barriers, barricades, and fencing), fixed and rotary wing aviation support to move CBP personnel, medical teams to triage, treat and prepare for commercial transport of patients, command and control

¹ New York Times, "Deployed Inside the United States: The Military Waits for the Migrant Caravan," Thomas Gibbons-Neff and Helene Cooper, November 10, 2018 <https://www.nytimes.com/2018/11/10/us/deployed-inside-the-united-states-the-military-waits-for-the-migrant-caravan.html>

² Tweet by Donald J. Trump, October 29, 2018, <https://twitter.com/realDonaldTrump/status/1056919064906469376>

³ BBC, "Migrant caravan: What is it and why does it matter?," November 5, 2018, <https://www.bbc.com/news/world-latin-america-45951782>

⁴ CNN, Opinion, "Don't Be Fooled by Trump's Caravan Misinformation Campaign," Paul Reyes, October 28, 2018, <https://www.cnn.com/2018/10/28/opinions/trump-caravan-misinformation-opinion-reyes/index.html>

facilities, temporary housing for CBP personnel, and personal protective equipment for CBP personnel.”⁵

This was the largest deployment of active duty service members on such short notice since the devastating earthquake in Haiti in 2010.⁶ On November 1, 2018, at a press conference, the President raised immediate questions about the rules of engagement for these soldiers, implying that they would be allowed to fire upon any individuals who threw rocks or stones at them.⁷ Although he later walked these comments back, such ill-advised comments send a dangerous signal to our men and women in uniform.

The deployment of active duty forces domestically, to protect the border, is also unprecedented in recent decades. Although Presidents Bush and Obama each ordered the National Guard to the border in support of DHS and CBP operations, neither sent active duty forces nor were either of the previous mobilizations so large nor undertaken with the same speed.⁸ More importantly, neither Presidents Bush nor Obama ordered such a mobilization a week before a national election in which they had staked their party’s success on demonizing immigrants. In fact, active duty troops have not been sent to the border in over three decades.⁹

The *New York Times* earlier this week noted a number of concerns with this deployment, and the conditions under which the troops at the border now serve:

The midterm elections are over, along with President Trump's rafter-shaking rallies warning [of] ... an approaching migrant caravan ... But the 5,600 American troops who rushed to the brown dry scrub along the southwest border are still going through the motions of an elaborate mission that appeared to be set into action by a commander in chief determined to get his supporters to the polls, and a Pentagon leadership unable to convince him of its perils.¹⁰

The article continued, describing difficulties “ensuring that... [Base Camp Donna, the main base facility for troops on the border] is livable,” and conditions that included “no mess hall, just ... brown, prepackaged M.R.Es,” “no electricity or air conditioning,” and health risks such as heat

⁵ U.S. Department of Defense, “DOD Statement on Support to DHS,” press release, October 26, 2018, <https://dod.defense.gov/News/News-Releases/News-Release-View/Article/1674387/dod-statement-on-support-to-dhs/>

⁶ Wall Street Journal, “Trump to Deploy 5,200 Troops to Southern Border,” Nancy A. Youssef and Alicia Caldwell, October 30, 2018, <https://www.wsj.com/articles/military-to-deploy-5-000-troops-to-southern-border-u-s-officials-say-1540820650>

⁷ White House, “Remarks by President Trump on the Illegal Immigration Crisis and Border Security,” November 1, 2018, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-illegal-immigration-crisis-border-security/>

⁸ Associated Press, “What happened when Bush, Obama sent troops to the Mexico border,” Nomaan Merchant, April 8, 2018, <https://apnews.com/6e550e4560494435b515b3a1b8f9bc5e>

⁹ New York Times, “Deployed Inside the United States: The Military Waits for the Migrant Caravan,” Thomas Gibbons-Neff and Helene Cooper, <https://www.nytimes.com/2018/11/10/us/deployed-inside-the-united-states-the-military-waits-for-the-migrant-caravan.html>

¹⁰ New York Times, “Deployed Inside the United States: The Military Waits for the Migrant Caravan,” Thomas Gibbons-Neff and Helene Cooper, <https://www.nytimes.com/2018/11/10/us/deployed-inside-the-united-states-the-military-waits-for-the-migrant-caravan.html>

exhaustion due to the extreme conditions.¹¹ It indicated that “come Thanksgiving, they most likely will still be here,” despite having “little to do beyond providing logistical support,” and revealing that “there has been no money set aside” by the Pentagon for this mission.¹²

You have made lethality and readiness for the high-end fight your number one priority as Secretary of Defense. But we fail to see how sending troops to the border to lay concertina wire in response to a group of migrants serves that end. And you yourself seemed unable to articulate the long-term goal for this mission at a recent visit to Camp Donna in Texas saying that it was “to be determined.”¹³ Furthermore, it now appears that the group of migrants is arriving in Tijuana, but the main body of U.S. personnel was sent to Texas.¹⁴ These reports raise a number of questions as to whether or not the deployment of U.S. troops to the border by President Trump was a wise, effectively planned, and appropriate use of DOD resources.

Accordingly, we respectfully ask that you provide a response to the following questions by December 10, 2018:

1. What was the process by which President Trump ordered, and DOD sent, over 5,000 troops to the border?
 - a. Specifically, what options were considered within DOD and with White House officials prior to this order?
 - b. What options were recommended to senior DOD officials and to the White House?
 - c. Did DOD reject or advise against any particular options discussed by DOD officials or by any White House officials?
 - d. Please provide copies of any DOD assessments or recommendations regarding the use of troops on the border.
 - e. What is the maximum number of personnel that can be deployed under the President's order?
2. Why were active duty military personnel used for this mission rather than the National Guard as has been customary for such operations in the past, including as recently as April 2018?
3. What is the plan for the use of military personnel for this operation?
 - a. Are reports that the troops have “little to do beyond providing logistical support” accurate?

¹¹ New York Times, “Deployed Inside the United States: The Military Waits for the Migrant Caravan,” Thomas Gibbons-Neff and Helene Cooper, <https://www.nytimes.com/2018/11/10/us/deployed-inside-the-united-states-the-military-waits-for-the-migrant-caravan.html>

¹² New York Times, “Deployed Inside the United States: The Military Waits for the Migrant Caravan,” Thomas Gibbons-Neff and Helene Cooper, <https://www.nytimes.com/2018/11/10/us/deployed-inside-the-united-states-the-military-waits-for-the-migrant-caravan.html>


¹³ New York Times, “Strategic Goal for Border Troops ‘to be determined,’ Mattis Says, Mitchell Ferman, November 15, 2018, <https://www.nytimes.com/2018/11/14/us/politics/border-troops-mattis-trump.html>

¹⁴ Yahoo News, “Migrant Caravan Arrives at U.S.-Mexico Border,” November 15, 2018, <https://www.yahoo.com/news/migrant-caravan-arrives-u-border-slideshow-wp-194623684.html> and New York Times, “Strategic Goal for Border Troops ‘to be determined,’ Mattis Says, Mitchell Ferman, November 15, 2018, <https://www.nytimes.com/2018/11/14/us/politics/border-troops-mattis-trump.html>

- b. Please provide a summary of the functions provided to date by the 5,000 soldiers, and the number of troops used to fulfill each of these functions.
 - c. Please provide a summary of the functions expected to be provided during the remainder of the deployment, and the estimated number of troops that will be used to fulfill each of these functions.
4. Of the troops deployed in support of this mission, how many were sent to California?
 - a. What tasks have those troops been assigned?
 - b. Does DOD have plans to reposition troops from Texas to California?
5. How long will this operation last?
 - a. Do the orders include a specific end date?
 - b. If yes, can this date be extended, and if so for how long, and based on what criteria?
 - c. If there is no specific end date, what criteria will be used to determine when the mission is complete?
6. What legal authorities were used to justify this deployment?
7. What are the Rules of Engagement (ROE) for this operation?
 - a. Has the ROE been promulgated throughout all units at or deploying to the border?
 - b. The President's public comments implied that the use of rocks and stones could be used a justification to shoot individuals at the border. Would such action be consistent with this ROE?
 - c. If not, have soldiers been provided with specific guidance indicating that the President's remarks were not consistent with the ROE?
8. What is the cost of the operation?
 - a. How much has the operation cost to date?
 - b. What is the current average daily cost of operations?
 - c. What is the estimated total cost for this operation?
 - d. What is the breakdown of this total cost? i.e. personnel costs, logistics and transportation, equipment, etc.
 - e. What budgetary account is DOD drawing from to pay for the operation? Will operational costs be reimbursed by DHS as the requesting agency under DSCA?
9. Has this operation caused any resource gaps to other ongoing operations? What will be the impact of this operation on military readiness?
 - a. What would these units mobilized in support of this operation otherwise be doing if they had remained at their respective home stations?
10. Have forces deployed in support of this operation received specific pre-deployment training for this operation? If so, please provide a comprehensive list of that training.
11. Have U.S. forces sustained any fatalities or injuries, or suffered any health problems in the process of fulfilling this mission? If so, please provide a summary of all such fatalities, injuries, or health problems.

12. Does DOD have evidence or assessments that previous border deployments were effective and necessary? If so, please provide those after action assessments.
13. Why did DOD cease using the operation's original name Faithful Patriot after November 6, 2018?


Sincerely,



Elizabeth Warren
United States Senator



Jackie Speier
Member of Congress



Beto O'Rourke
Member of Congress