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Contact: Keith Chu (202) 224-4515

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Wyden Opposes Nomination of Scott as CBP Commissioner at Finance Committee Hearing

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The Commissioner of U.S. Customs and Border Protection is like the point guard for everything the U.S. government does at our borders. They're responsible for more than 60,000 employees, who carry out the screening and processing of millions of packages going in and out of our country every day, and for millions of people who cross the border in and out of our country each month. They have to keep our country safe, and keep our economy humming.

A person who holds this job should have deep experience with both customs and with protecting our borders, along with unimpeachable judgement. Today's hearing is to determine whether Rodney Scott possesses that experience, along with the strength of character to be trusted with one of the most important jobs in the federal government. The evidence shows that Mr. Scott falls short on both fronts.

Let's start with a quick review of Mr. Scott's record. In 2010, Mr. Scott led the U.S. Border Patrol office in San Diego. While in that post, a migrant who crossed the border was detained by CBP officers, and severely beaten while in their custody. The man, Anastasio Hernández Rojas, died of those injuries, leaving behind his wife and five children.

Rather than following the agency's own policy and immediately referring the incident to outside investigators, the San Diego CBP office began its own investigation. In the course of that investigation, the CBP officers taped over the only video copy of Hernández Rojas's death and tampered with physical evidence, according to court documents. In an action that the former head of CBP internal affairs called "illegal" and possible obstruction of justice, Scott signed a subpoena to obtain Hernández Rojas's medical records, which CBP then refused to release to the San Diego Police Department. Yesterday a former senior CBP internal affairs official, James Wong, who examined this case wrote to me, with grave concerns about Mr. Scott's nomination. The investigation Mr. Scott oversaw, according to James Wong, quote "was not an investigation it was a cover up – one Mr. Scott supervised. This abuse of power disqualifies him from leading one of the largest law enforcement agencies in the country."

Did Mr. Scott learn from his mistakes in this case? It appears not. In 2021, a woman who formerly served as a Border Patrol agent tweeted criticism at Mr. Scott about his handling of the Hernandez Rojas

investigation. The former agent was an outspoken advocate for reforming the Border Patrol practices as a survivor of sexual assault while in the patrol's academy.

Here's how Mr. Scott responded on his public twitter account to criticism from a woman survivor of sexual assault: "I investigated all your allegations. Not a crumb of evidence could be found to support any of them. But I did find out a lot about you. Lean back, close your eyes and just enjoy the show." A judge called the tweet "a classic rape threat," but found that it fell short of constituting an imminent threat of violence.

Will this committee accept a CBP commissioner who casually threatens women in this way? Our standards of character cannot have fallen so low that this can be dismissed as old news. Finally, in the summer of 2020, the Trump administration deployed a staggering number of federal law enforcement personnel to my hometown of Portland, Oregon, in response to overwhelmingly peaceful First Amendment activity. Unidentifiable federal law enforcement whisked away Oregonians in unmarked vehicles, shot people in the head, indiscriminately unleashed all sorts of chemical weapons and contaminants, and injured many.

This violent federal response involved 337 Border Patrol agents, with Mr. Scott in the chain of command. As Chief of Border Patrol, Mr. Scott provided both administrative and operational support for this deployment.

Why does what happened in Portland in 2020, or San Diego in 2010 matter now? Americans need to know the head of a major law enforcement agency won't sign off on bogus searches, harass female employees or travelers or allow his agency to target people based on the president's whims. The CBP Commissioner sets the policies and conduct for searching a person's belongings at the border, going through their phone, and potentially saving that information to a database that can be searched by thousands of federal employees. If the CBP commissioner can't be trusted, important priorities like stopping fentanyl smuggling and human trafficking will go by the boards.

Finally, let's talk about Mr. Scott's qualifications. Mr. Scott has no experience with customs facilitation or enforcement. Donald Trump is creating the biggest disruptions to the U.S. customs system that I've ever seen— and leaving it in the hands of someone who has no experience with customs. That matters to small businesses in Oregon. If a key part from overseas gets stuck in the customs process at the border, a small manufacturer can see their whole production line delayed, meaning more costs and losing out on contracts. The CBP commissioner has to make sure legal trade goes smoothly at the border. He has to limit the impact on supply chains and workers from Trump's erratic proclamations on tariffs and trade.

I look forward to hearing from Mr. Scott this morning on all of these questions.

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