



**U.S. Immigration
and Customs
Enforcement**

November 8, 2007

The Honorable Claire McCaskill
United States Senate
Washington, DC 20510

Dear Senator McCaskill:

Thank you for writing yesterday and expressing your concerns about the incident that occurred during the Combined Federal Campaign (CFC) Halloween costume contest hosted by ICE Headquarters on October 31, 2007. I deeply regret this incident. Although I was not aware at the time of the contest that the employee disguised his skin color, I believe that it was inappropriate for me to recognize any individual wearing an escaped prisoner costume.

In response to your questions, here are the facts:

On October 31, 2007, ICE Headquarters hosted a CFC Halloween costume contest for Metro Washington, DC ICE employees. A flyer advertising the event clearly indicated that employees were expected to wear only tasteful costumes. An estimated 50-75 employees, many of whom were wearing costumes, attended the event. One employee who attended the event was wearing a striped costume-style jail outfit; a dreadlock wig and makeup on his skin. The costume was both inappropriate and offensive; inappropriate in that it could leave a negative impression as to the respect that ICE has for those in our custody, and offensive as to manner in which the individual portrayed his skin color.

1. I had very limited interaction with this individual. Because I was running late for the event, each employee was asked to come to the table quickly, state their name and the particular division at ICE for which they worked. This employee was towards the middle or the end of the employees with costumes. This individual was present at the table for less than half a minute before he moved on and was followed by the next employee. I noted only his name on a list I was keeping of employees who were participating. When it came time to pick award finalists, the other "judges" had identified three recipients which apparently didn't include this particular employee. However, one of my fellow "judges" noted that all recipients were from the "management" side of ICE and concluded that we should attempt to include someone from the "operations" side of ICE for more balance. We removed the third place recipients and replaced with the employee in question. At that time, he was the only "operations" employee that was brought to my attention. After a discussion that lasted at most 15 seconds, I was handed a list of the three awardees, stood up, and quickly announced the winners. This employee was recognized for originality. I left the room for a few minutes and went up to my office (one floor above), but returned to take a photo with the winners, including this employee.

2. The agency's CFC coordinator at ICE Headquarters organized the event as a fundraising effort to support and promote the CFC. At the coordinator's request, I agreed, along with two other members of my senior leadership team, to participate as a judge for the costume contest.

Unfortunately, not realizing that this employee was wearing makeup, I and the other judges recognized this employee's costume for originality. The individual had makeup on his face and hands and, like many others at the party, I and the other judges were not aware that the employee's skin color was not as it appeared.

It was not until the following day, Thursday, November 1, 2007, that I learned that this employee was, in fact, wearing makeup. I was shocked and horrified. While I cannot speak for the Secretary, I, too, saw his comments and I assumed that by "surprised" he was referring to the fact that I was surprised and mortified to learn the day after the event that the employee's true skin color was not as it had appeared.

3. In addition to the costume mentioned above, I was informed that an ICE employee felt that a particular group dressed as a play on "Charlie's Angels" was dressed too provocatively. I felt it appropriate to ensure the broadcast message I issued addressed both of these concerns.

The apology you referenced was in the form of a broadcast message issued to all ICE Headquarters employees on Friday, November 2. The message is attached for your information.

In addition to the broadcast message, immediately upon learning that the employee was wearing makeup, the following actions were taken:

- a. I instructed the supervisory staff to take appropriate disciplinary action, in consultation with the attorneys, with respect to the employee who wore the inappropriate and offensive costume. I did not personally make a decision with respect to the particular discipline imposed on this individual. This process was initiated Thursday, and he was counseled on Friday. In addition, the Department decided to also place the individual on administrative leave. That process began on Monday, November 5 and the employee was notified Tuesday, November 6.
- b. On Friday, November 2, I also reached out to the Vice President of the National Association of African-Americans in the Department of Homeland Security (NAADHS) to express my regret about what had occurred, and I also took full responsibility for creating and sustaining an environment where all employees can reach their full potential. The Vice President was not aware of this incident before I called him. I am attaching a copy of a letter from NAADHS with respect to this call.
- c. On Friday, November 2, I reached out to an ICE supervisory agent whom I was informed had received informal inquiries regarding this matter. I offered my apologies and regrets, explained the circumstances to this ICE supervisory agent, and offered to speak to any ICE employee whom the supervisory agent thought would want to speak to me. I emphasized to this agent that this is not what I stand for, nor what this agency stands for, and that I deeply regretted this incident. I also shared my draft broadcast message with him for any comments and or advice he had on the message.

- d. I talked with Deborah Lewis, the EEO Director on several occasions about this matter. In addition to discussing the above-referenced steps, I also asked her whether there were any further steps she believed I should take at this time.
4. The intended purpose of the photos taken at the fundraising event was to help promote ICE's CFC efforts internally within ICE. The Office of Public Affairs intended to use the photos in our agency newsletter, on our Intranet site, and to share with employees. As I mentioned, the costume was both inappropriate and offensive. Immediately upon taking the photo with this employee, although I did not know that this individual had disguised his race, I determined that I had made an error in judgment in recognizing an escaped prisoner at this party, and I did not think that recognizing an escaped prisoner in any way was beneficial to the agency's goal of treating everyone in our custody with dignity and respect. Accordingly, I instructed my Chief of Staff to direct ICE's official event photographer to delete all photos of the employee in the inappropriate costume so they would not be placed into the agency's photo archive and inadvertently used in future publications. At this point, although I did not know that the employee had disguised his race, I believed I had made an error in judgment in recognizing an escaped prisoner.

There have, thus far, been no formal complaints filed with the ICE EEO Office, but I, and all of us in ICE leadership, deeply regret that this happened. As the head of the agency, I assume responsibility for this unfortunate event, and I fully recognize my responsibility to ensure every employee is a valued member of the ICE team. We pride ourselves for having a strong, diverse and capable team, and anything that serves to diminish that team or its individual members is a great disservice to the dedicated men and women of ICE.

To that end, I've had several opportunities to speak with House Homeland Security Chairman Bennie Thompson about the events surrounding the CFC Halloween fundraising event and to share a number of ICE accomplishments under my leadership in support of creating a more diverse and inclusive workforce. I have enclosed a copy of the letter of November 8, 2007, I sent to Chairman Bennie Thompson for your information.

Again, thank you for the opportunity to address your questions. If you wish to discuss this matter personally, please do not hesitate to contact me.

Sincerely,


Julie L. Myers
Assistant Secretary

Enclosures: Broadcast Message, November 2, 2007
NAADHS Statement, November 5, 2007
Letter to Chairman Bennie Thompson, November 8, 2007

TO ALL ICE EMPLOYEES
November 2, 2007

A Message from Assistant Secretary Julie Myers

On October 31, 2007, we hosted a CFC Halloween Costume Contest for DC Metro Area Employees. It is now clear that, however unintended, a few of the costumes were inappropriate and offensive. While we were all thrilled to be part of the CFC fundraising effort, I and the senior management at ICE deeply regret that this happened. As the head of the agency, I have the responsibility to ensure every employee is a valued member of the ICE team. I am fully committed to our continued success, which depends on individual and collective responsibility for creating and sustaining an environment where all employees can reach their full potential.

With that, it is especially important to remind all employees to be compliant with their responsibility to complete Diversity Training on Virtual University. Managers should distribute and discuss the ICE Equal Employment Opportunity (EEO) and Diversity Policy Statement during your next staff meeting. Please be assured that ICE zealously supports EEO and Diversity as a core business principle. I trust that I can count of each of you to support us in this effort.



**NATIONAL ASSOCIATION OF AFRICAN-AMERICANS IN THE
DEPARTMENT OF HOMELAND SECURITY
NAADHS**

"Positive People Personifying Professionalism"

** Integrity * Unity * Perseverance **

November 5, 2007

My Fellow NAADHS Colleagues,

On Friday, November 2, 2007, we were contacted by Assistant Secretary (AS) Julie Myers with regard to incidents that occurred during the October 31 CFC Halloween Costume Contest. AS Myers explained that there were some individuals whose costumes were inappropriate and/or otherwise offensive. She stressed that this incident was wholly inappropriate and regrettable.

We understand that the agency has taken action and are aware that a message was broadcast to all ICE employees, reaffirming the Assistant Secretary's commitment to EEO and diversity and our own individual responsibility in contributing to the DHS mission through personal accountability. NAADHS appreciates the Assistant Secretary reaching out to us so quickly in order to keep us apprised of the matter and we commend her on moving so swiftly toward appropriate corrective action.

NAADHS continues to dialogue with AS Myers and ICE senior management. We offer our unwavering commitment to ICE and the Department of Homeland Security. We will continue to partner with and support ICE leadership in sustaining a positive work environment.

Sincerely,

//s//

Sjon Shavers
Vice President

