Congress of the United States
House of Representatives

June 23, 2015

Mr. Chuck Rosenberg
Acting Administrator
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, VA 22152

Dear Administrator Rosenberg:

We write concerning disturbing issues related to the Drug Enforcement Administration's (DEA) use of cold consent searches, particularly at transportation facilities such as airports, train stations, and bus stations. As you know, the Inspector General of the Department of Justice recently issued a report on this subject, detailing concerns about and issuing recommendations related to the DEA's use of this technique.

The report describes the use of cold consent searches, sometimes based on "no particular behavior" of the subject, as a means to question and search individuals, and states that "the Department of Justice . . . has noted that cold consent encounters are more often associated with racial profiling than contacts based on previously acquired information." Among the actions called for by the Inspector General, the report recommends that the DEA collect racial and other demographic data to help assess whether cold consent encounters are being conducted in an impartial manner.

According to the report, from 2009 to 2013, DEA interdiction Task Force Groups seized $163 million in 4,138 individual cash seizures. Twenty-one percent of these seizures were contested and in 41 percent of those contested cases all (or a portion) of the seized cash was returned — a total of $8.3 million. This financial dimension, when paired with searches sometimes based on dubious criteria and possibly involving racial profiling, adds to the potential for government abuse.

With this background in mind, we are particularly concerned about press reports about a recent incident in which DEA agents seized $16,000 in cash from Joseph Rivers, a young African American man, at the Amtrak station in Albuquerque, New Mexico. According to press accounts, he was traveling from Michigan to Los Angeles, intending to use the money to make a music video. The description of this encounter is disturbing:

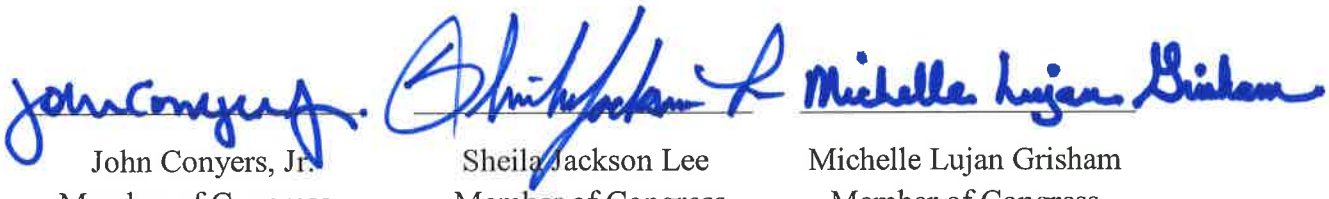
> A DEA agent boarded the train at the Albuquerque Amtrak station and began asking various passengers, including Rivers, where they were going and why. When Rivers replied that he was headed to LA to make a music video, the agent asked to search his bags. Rivers complied.

Printed on Recycled Paper

> Rivers was the only passenger singled out for a search by DEA agents – and the only black person on his portion of the train. . . . [1]

Even after the Inspector General issued his report, we continue to learn of incidents that raise serious questions about the use of cold consent searches by the DEA. While we understand that the DEA is following up on the implementation of the various recommendations of the Inspector General, we ask that you respond to this letter with details about the use of this technique, including criteria used for targeting individuals for such searches and the steps you are taking to ensure that your agents do not engage in racial profiling.

Sincerely,



John Conyers, Jr.	Sheila Jackson Lee	Michelle Lujan Grisham
Member of Congress	Member of Congress	Member of Congress

cc: Mr. Michael Horowitz, Inspector General, United States Department of Justice

[1] Joline Gutierrez Krueger, *DEA to traveler: Thanks, I'll take that cash,* Albuquerque Journal, May 6, 2015.