



NATIONAL ASSOCIATION OF IMMIGRATION JUDGES

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August 22, 2019

James McHenry, Director
Executive Office for Immigration Review
Department of Justice

Director McHenry:

The “EOIR Morning Briefing,” which is distributed on a daily basis by EOIR to all EOIR employees including each individual Immigration Judge, recently contained a pseudo-anonymous source whose values and statements are in contradiction with the Department of Justice’s ethical standards and legal principles. Specifically, the August 19, 2019 morning news briefings contained “news” from a website known for publishing white nationalist ideology and Anti-Semitic tropes. NAIJ has received numerous complaints from judges across the nation who found the blog offensive and equated having it on the official EOIR web site to working in a hostile work environment.

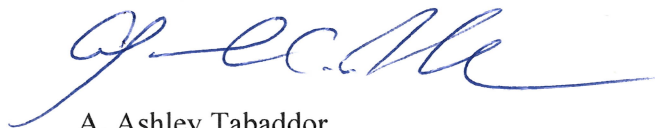
VDare is a website that supports white nationalism and has been found to be a “hate website.” The founder and promoter of V Dare, Peter Brimelow, has ties to Richard Spencer, an avowed racist and supporter of Nazi ideology. Brimelow was quoted at a 2017 conference as saying “Hispanics do specialize in rape, particularly of children. They’re prone to it, compared to other groups.” VDare is named for Virginia Dare the first English child born in North America, which is an important symbol for white supremacists. (Vox, September 24, 2018).

The post features links and content that directly attacks sitting Immigration Judges with racial and ethnically tinged slurs and the label “Kritarch.” The reference to Kritarch in a negative tone is deeply offensive and Anti-Semitic. The Kritarchy is a reference to ancient Israel during the time when there was rule by judges, as described in the Book of Judges, part of the Old Testament. VDare’s use of the term in a pejorative manner casts Jewish history in a negative light as an Anti-Semitic trope of Jews seeking power and control.

NAIJ fully supports the First Amendment and the freedom of expression it protects. However, publication and dissemination of a white supremacist, Anti-Semitic website throughout the EOIR is antithetical to the goals and ideals of the Department of Justice. VDare has every right to publish its anonymous opinions under the byline "Federale." However, the Department of Justice's use of its authority to legitimize and provide an imprimatur of respectability to this website under the guise of "news" runs counter to American ideals of equality under the law. The Article was presented alongside legitimate news sources, between an article in The Washington Post and the Connecticut Public Radio. Additionally the the article was highlighted as it was accompanied by a summary while other news sources were cited in a string cite format.

NAIJ requests that EOIR immediately withdraw the offensive post, issue an apology to all EOIR employees, particularly the impacted Immigration Judges, and take immediate steps to ensure that such posts or content is not enshrined as a legitimate news source in future EOIR publications and represented under the Department of Justice seal. Separately, EOIR should take all appropriate safety and security measures for all judges given the tone and tenor of this posting.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Ashley Tabaddor". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

A. Ashley Tabaddor
President, NAIJ