

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951
judiciary.house.gov

November 18, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
301 7th Street SW
Washington, DC 20528

Dear Secretary Mayorkas:

As we prepare for the 118th Congress, we write again to obtain your voluntary compliance with the outstanding requests for documents and information necessary for our oversight. We appreciate your prompt attention to these outstanding matters.

Over the past twenty-one months, we have made several requests for information and documents concerning the operations and actions of the Department of Homeland Security (DHS) and its components. We reiterated and itemized these requests in our recent letters of October 17, 2022, and October 28, 2022, which are enclosed for your convenience. To date, you have ignored these requests, or you have failed to respond sufficiently. Please be aware that if our requests remain outstanding at the beginning of the 118th Congress, the Committee may be forced to resort to compulsory process to obtain the material we require.

In addition, to advance our oversight, we require prompt testimony from DHS employees. We expect your unfettered cooperation in arranging for the Committee to receive testimony from DHS employees. As an initial matter, we anticipate requiring testimony, either in hearings or transcribed interviews, from the following employees early in the 118th Congress:

1. Secretary Alejandro Mayorkas;
2. Ur. M. Jaddou, U.S. Citizenship and Immigration Services;
3. Tae Johnson, U.S. Immigration and Customs Enforcement;
4. Kerry E. Doyle, U.S. Immigration and Customs Enforcement;
5. Blas Nunez-Neto, U.S. Customs and Border Protection;
6. Chief Raul L. Ortiz, U.S. Customs and Border Protection;
7. Jennifer Daskal, Office of the General Counsel;
8. Adam Hunter, Office of Strategy, Policy, and Plans;
9. Jen Easterly, Cybersecurity and Infrastructure Security Agency;
10. Geoff Hale, Cybersecurity and Infrastructure Security Agency; and

11. Julia Treanor, Cybersecurity and Infrastructure Security Agency.

To avoid any unnecessary delay in receiving the testimony of these employees, we ask that you direct your staff to work with Committee staff now on scheduling these events. Please be advised that this testimony is in addition to periodic hearings we anticipate convening, if necessary, with Assistant Secretary for Legislative Affairs Alice Lugo concerning the status of outstanding requests for documents and testimony.

The congressional oversight power, rooted in Article I of the Constitution, is “broad and indispensable.”¹ This authority “encompasses inquiries into the administration of existing laws, studies of proposed law, and surveys of defects in our societal, economic, or political system for the purpose of enabling the Congress to remedy them.”² The Judiciary Committee is authorized to conduct oversight of matters involving the Department of Homeland Security pursuant to the Rules of the House of Representatives.³

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



Steve Chabot
Member of Congress



Louie Gohmert
Member of Congress

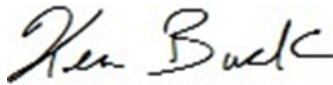


Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property, and the Internet

¹ See, e.g., *Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (citing *Watkins v. United States*, 354 U.S. 178, 187, 215 (1957)) (internal quotation marks and citations omitted).

² *Id.*

³ Rules of the U.S. House of Representatives, R. X (2021).



Ken Buck
Ranking Member
Subcommittee on Antitrust, Commercial
and Administrative Law



Matt Gaetz
Member of Congress



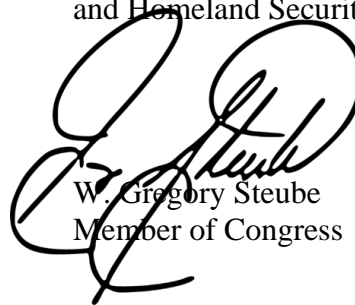
Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



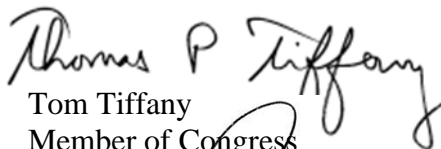
Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security



Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship



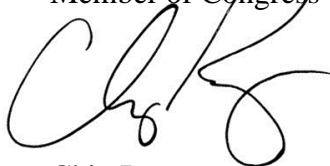
W. Gregory Steube
Member of Congress



Tom Tiffany
Member of Congress



Thomas Massie
Member of Congress



Chip Roy
Member of Congress



Dan Bishop
Member of Congress



Michelle Fischbach
Member of Congress



Victoria Spartz
Member of Congress

The Honorable Alejandro Mayorkas

November 18, 2022

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Scott Fitzgerald
Member of Congress



Cliff Bentz
Member of Congress



Burgess Owens
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman

Enclosures

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October 17, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
301 7th Street SW
Washington, DC 20528

Dear Secretary Mayorkas:

We are investigating the Biden Administration's misuse of federal criminal and counterterrorism resources to target concerned parents at school board meetings. We know from publicly available information that Department of Homeland Security (DHS) employees were involved in discussions surrounding the National School Boards Association's September 29, 2021, letter to President Biden and its request that the Biden Administration use the Patriot Act to target parents.¹ The American people, however, deserve much more accountability and transparency.

On June 14, 2022, Committee Republicans wrote to you requesting documents and information regarding DHS's involvement in the Biden Administration's misuse of federal law-enforcement resources.² The Department responded to this request—over three months later—on September 16, 2022, stating that it was “working to identify responsive records.”³ As of today, over four months since our initial request and a month since your initial response, the Department has failed to produce any of the requested documents or information.

Parents voicing their concerns at school board meetings are not domestic terrorists. Yet, the Attorney General's anti-parent directive of October 4, 2021, remains in effect, and as a result, the threat of federal law enforcement continues to chill the First Amendment rights of American parents. Committee Republicans intend to continue to pursue this serious misuse of federal law-enforcement resources, including if necessary into the 118th Congress. We reiterate our requests,

¹ *Final Report On the Events Surrounding the National School Boards Association's September 29, 2021, Letter to the President*, NATIONAL SCHOOL BOARDS ASSOCIATION at 5 & 45 (May 20, 2022).

² Letter from Rep. Jim Jordan et al., Ranking Member, H. Comm. on the Judiciary, to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Jun. 14, 2022).

³ Letter from Ms. Alice Lugo, Assistant Sec'y for Legislative Affairs, U.S. Dep't of Homeland Sec., to Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary (Sept. 16, 2022).

The Honorable Alejandro Mayorkas

October 17, 2022

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which are itemized in the attached appendix and incorporated herein, and ask that you, as the custodian of all Departmental records, produce the entirety of the requested material as soon as possible but no later than October 31, 2022.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials in your possession relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is fluid and cursive, with the first name "Jim" and last name "Jordan" clearly distinguishable.

Jim Jordan
Ranking Member

cc: The Honorable Jerrold L. Nadler
Chairman

Enclosure

Appendix: Document Requests to the Department of Homeland Security

June 14, 2022:

1. All documents and communications referring or relating to the National School Boards Association's September 29, 2021, letter to President Biden or the Attorney General's October 4, 2021, memorandum;
2. All documents and communications between or among Department of Homeland Security employees and National School Boards Association staff, officers, and/or executive board members, including but not limited to the communications of Julia Treanor, for the period January 20, 2021, to the present; and
3. Please explain whether you consider the Attorney General's October 4, 2021, memorandum to be lawful and whether you, or any Department of Homeland Security officials raised concerns about its enforcement.

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October 28, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
301 7th Street S.W.
Washington, DC 20528

Dear Secretary Mayorkas:

We are investigating the Biden Administration's callous disregard for the safety and security of our southern border, and your willful failure to enforce U.S. immigration law. The Biden-Harris campaign promised to do away with the Trump Administration's successful immigration policies, open the borders, and grant mass amnesty to illegal aliens. As a result, the southern border has been in chaos since the first hours that President Biden took office, and an unprecedented surge of aliens has poured across the border.

Since President Biden took office, U.S. Customs and Border Protection (CBP) has encountered over 3.6 million illegal aliens along the southern border.¹ Nearly 1.3 million of those aliens have been released into the interior by the Department of Homeland Security.² Meanwhile, during that same time, nearly a million illegal alien "gotaways" have successfully crossed the border undetected.³ During fiscal year 2022, at least 78 aliens on the Terrorist Screening Database were encountered by Border Patrol along the southwest border. That figure is 63 more than fiscal year 2021 and is seven times more than the number encountered during fiscal years 2017 to 2020 combined.⁴ Press reports also indicate that "nearly 750 migrants have

¹ U.S. Customs and Border Protection, Southwest Land Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

² *Texas v. Biden*, Case No: 2:21-cv-00067-Z (N.D. Texas) (Brief For America First Legal Foundation As Amicus Curiae In Support of Respondents, Defendants' Monthly Report For Mar. 2022, Defendants' Monthly Report For April 2022, Defendants' Monthly Report For May 2022, Defendants' Monthly Report For June 2022); MPP Reimplementation Report, July 2022, MPP Reimplementation Report, Aug. 2022, provided to Committee Staff by U.S. Dep't. of Homeland Security.

³ Adam Shaw, Bill Melugin, *Migrant Encounters at Southern Border Hit New Record in May, as Numbers Keep Rising*, FOXNEWS (Jun. 16, 2022) <https://www.foxnews.com/politics/migrant-encounters-southern-border-record-may>.

⁴ U.S. Customs and Border Protection, CBP Enforcement Statistics Fiscal Year 2022, Terrorist Screening Database Encounters, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

died at the southern border this fiscal year.”⁵ This record number is over 200 more deaths than the number for last fiscal year.⁶

Committee Republicans intend to continue our oversight of the causes and consequences of the unprecedented Biden border crisis into the 118th Congress. This oversight includes examining the abdication of your duty to secure our borders, your failure to enforce federal immigration laws, and your dereliction in protecting Americans from the serious and detrimental consequences of the illegal immigration that you and the Biden Administration have caused. The American people deserve full transparency and accountability to understand the severity of the crisis along the border and exactly how it got to this point.

Since your confirmation, Committee Republicans have written you several letters in an attempt to get that information. For the overwhelming majority of these letters, you have not provided responses that have satisfied our concerns or produced the requested documents or information. Committee Republicans will continue to pursue these matters, including into the 118th Congress if necessary. Accordingly, we reiterate our outstanding requests, which are itemized in the attached appendix and incorporated herein, and ask that you, as the custodian of all Departmental records, produce the entirety of the requested material as soon as possible but no later than November 11, 2022.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials in your possession relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Sincerely,



Jim Jordan
Ranking Member



Tom McClintock
Ranking Member
Subcommittee on Immigration and
Citizenship

cc: The Honorable Jerrold L. Nadler, Chairman
The Honorable Zoe Lofgren, Chair, Subcommittee on Immigration and Citizenship

Enclosure

⁵ Priscilla Alvarez, *First on CNN: A Record Number of Migrants Have Died Crossing the US-Mexico Border*, CNN (Sept. 7, 2022) <https://www.cnn.com/2022/09/07/politics/us-mexico-border-crossing-deaths/index.html>.

⁶ *Id.*

**Appendix: Outstanding Immigration-Related Documents and Information Requests to the
Department of Homeland Security**

March 30, 2021:

1. All documents and communications, including but not limited to, memoranda, charts, graphs, power point presentations, notes, calendar invitations, and other material, referring or relating to meetings between DHS and the Biden transition team about immigration policy.
2. All documents and communications created, generated, or used in meetings between DHS and the Biden transition team about immigration policy.

May 25, 2021:

1. The NGOs with which DHS has worked and is working to identify aliens for potential exemption from Title 42 public health authority expulsion.⁷

August 2, 2021:

1. The total number of positive COVID-19 cases of aliens encountered by CBP on the southern border and who tested positive after being turned over to a nongovernmental organization since January 20, 2021.

May 2, 2022:

1. The status and disposition of each case in which an illegal alien on the terrorist watchlist was encountered by the Border Patrol at the Southwest Border and subsequently released in the United States.
2. How many ICE agents and officers are needed to deport the 1.2 million aliens who remain in the United States despite having been ordered removed by an immigration judge?
3. What does the Department intend to do to identify and remove criminal aliens who are among the 836,000 aliens you have released into the interior of the United States?
4. The the number of the 836,000 illegal aliens the Department released into each state and the District of Columbia.

⁷ U.S. Dep't of Homeland Security, Office of Public Affairs, DHS Improves Process for Humanitarian Exceptions to Title 42 (May 12, 2021).