

**Congress of the United States**  
**Washington, DC 20515**

April 25, 2019

The Honorable Kevin K. McAleenan  
Acting Secretary  
U.S. Department of Homeland Security  
245 Murray Lane, S.W.  
Washington, D.C. 20528

Dear Acting Secretary McAleenan:

We are investigating President Trump's recent unprecedented actions to remove much of the senior leadership of the Department of Homeland Security (DHS). We are deeply concerned that the firing and forced resignation of these officials puts the security of the American people at risk. We are also concerned that the President may have removed DHS officials because they refused his demands to violate federal immigration law and judicial orders. Moreover, we are concerned by reports that, even as he has removed the Department's leadership, the President has sought to empower a White House aide, Stephen Miller, to "be in charge of handling all immigration and border affairs."<sup>1</sup>

Earlier this month, the Secretary and three other officials announced their departures from senior leadership positions at the Department.

On April 7, Secretary Kirstjen Nielsen announced that she would resign effective April 10. According to reports, Mr. Miller and other senior officials pushed for her departure, in part because she identified legal barriers to the President's desire to restart mass child separations.<sup>2</sup> In addition, on March 21, 2019, the President reportedly ordered Secretary Nielsen and Secretary of State Mike Pompeo to shut down the Port of El Paso, but the order was ultimately withdrawn after Secretary Nielsen and others expressed reservations. At the same meeting, the President reportedly directed Secretary Nielsen to deny entry to all asylum seekers. She reportedly

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<sup>1</sup> *Trump Ditches His Nominee to Lead ICE, Saying He Wants Someone 'Tougher' for Top Immigration Enforcement Role*, Washington Post (Apr. 5, 2019) (online at [www.washingtonpost.com/immigration/trump-ditches-his-nominee-to-lead-ice-says-he-wants-someone-tougher-for-top-immigration-enforcement-role/2019/04/05/c184cc6a-57bd-11e9-9136-f8e636f1f6df\\_story.html](http://www.washingtonpost.com/immigration/trump-ditches-his-nominee-to-lead-ice-says-he-wants-someone-tougher-for-top-immigration-enforcement-role/2019/04/05/c184cc6a-57bd-11e9-9136-f8e636f1f6df_story.html)).

<sup>2</sup> *Trump's Support of Renewed Child Separation Policy Led to Collision with Nielsen*, NBC News (Apr. 8, 2019) (online at [www.nbcnews.com/politics/white-house/trump-has-months-been-urging-administration-reinstate-child-separation-policy-n992021](http://www.nbcnews.com/politics/white-house/trump-has-months-been-urging-administration-reinstate-child-separation-policy-n992021)); *Trump Is Pushing to Restart Family Separations at Border*, New York Times (Apr. 8, 2019) (online at [www.nytimes.com/2019/04/08/us/politics/trump-nielsen-family-separation.html](http://www.nytimes.com/2019/04/08/us/politics/trump-nielsen-family-separation.html)).

explained that taking this action would be illegal.<sup>3</sup>

On April 8, the White House announced that Randolph “Tex” Alles, Director of the U.S. Secret Service, “will be leaving shortly.”<sup>4</sup> Mr. Alles stated that his departure was part of “transitions in leadership” that the Administration had planned across DHS.<sup>5</sup>

On April 9, Secretary Nielsen announced the resignation of the DHS Undersecretary for Management, Claire Grady.<sup>6</sup> Ms. Grady, a civil servant with decades of public service, may have been forced out to circumvent a statute that would have otherwise made her the Acting Secretary upon Secretary Nielsen’s departure.<sup>7</sup> Instead, you became Acting Secretary on April 10.

Also on April 10, Acting Director of Immigration and Customs Enforcement (ICE), Ronald Vitiello, announced his resignation, effective April 12. A few days earlier, the President had withdrawn Mr. Vitiello’s nomination to be permanent Director of ICE, saying he wanted to move in a “tougher direction.”<sup>8</sup> Mr. Miller reportedly advocated for the withdrawal.<sup>9</sup>

Reports have indicated that the President, following the advice of Mr. Miller, may fire other top DHS officials, including General Counsel John Mitnick and U.S. Citizenship and Immigration Services (USCIS) Director L. Francis Cissna.<sup>10</sup> Apparently, Mr. Mitnick has been “getting blame from Trump allies for details implementing a 2015 court ruling mandating that children who arrive at the border with parents cannot be held more than 20 days in Immigration

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<sup>3</sup> *Trump Pushed to Close El Paso Border, Told Admin Officials to Resume Family Separations and Agents Not to Admit Migrants*, CNN (Apr. 8, 2019) (online at [www.cnn.com/2019/04/08/politics/trump-family-separation-el-paso-kirstjen-nielsen/index.html](http://www.cnn.com/2019/04/08/politics/trump-family-separation-el-paso-kirstjen-nielsen/index.html)).

<sup>4</sup> *Secret Service Chief is Leaving Trump Administration, White House Says*, Washington Post (Apr. 8, 2019) (online at [www.washingtonpost.com/politics/secret-service-chief-is-leaving-trump-administration-white-house-says/2019/04/08/7176e57c-5a2a-11e9-9625-01d48d50ef75\\_story.html](http://www.washingtonpost.com/politics/secret-service-chief-is-leaving-trump-administration-white-house-says/2019/04/08/7176e57c-5a2a-11e9-9625-01d48d50ef75_story.html)).

<sup>5</sup> *READ: Letter from Randolph “Tex” Alles to Secret Service Staff*, CNN (Apr. 8, 2019) (online at [www.cnn.com/2019/04/08/politics/letter-from-alles-to-staff/index.html](http://www.cnn.com/2019/04/08/politics/letter-from-alles-to-staff/index.html)).

<sup>6</sup> *Nielsen: Acting DHS Deputy Grady Offers Resignation*, Politico (Apr. 9, 2019) (online at [www.politico.com/story/2019/04/09/claire-grady-offers-resignation-1264195](http://www.politico.com/story/2019/04/09/claire-grady-offers-resignation-1264195)).

<sup>7</sup> 6 U.S.C. 113(g).

<sup>8</sup> *Trump Ditches His Nominee to Lead ICE, Saying He Wants Someone ‘Tougher’ for Top Immigration Enforcement Role*, Washington Post (Apr. 5, 2019) (online at [www.washingtonpost.com/immigration/trump-ditches-his-nominee-to-lead-ice-says-he-wants-someone-tougher-for-top-immigration-enforcement-role/2019/04/05/c184cc6a-57bd-11e9-9136-f8e636f1f6df\\_story.html](http://www.washingtonpost.com/immigration/trump-ditches-his-nominee-to-lead-ice-says-he-wants-someone-tougher-for-top-immigration-enforcement-role/2019/04/05/c184cc6a-57bd-11e9-9136-f8e636f1f6df_story.html)).

<sup>9</sup> *Another Top Immigration Official to Leave Friday*, Politico (Apr. 10, 2019) (online at [www.politico.com/story/2019/04/10/ronald-vitiello-ice-leaves-post-1342090](http://www.politico.com/story/2019/04/10/ronald-vitiello-ice-leaves-post-1342090)).

<sup>10</sup> *Stephen Miller Wants Trump to Oust More Senior Leaders at Homeland Security*, CNN (Apr. 8, 2019) (online at [www.cnn.com/2019/04/08/politics/miller-nielsen-trump-immigration-homeland-security/index.html](http://www.cnn.com/2019/04/08/politics/miller-nielsen-trump-immigration-homeland-security/index.html)); *Secret Service Director, Other Top Homeland Security Officials Leaving in Overhaul*, CBS News (Apr. 8, 2019) (online at [www.cbsnews.com/news/secret-service-director-randolph-alles-other-top-dhs-officials-leaving-in-homeland-security-overhaul-2019-04-08/](http://www.cbsnews.com/news/secret-service-director-randolph-alles-other-top-dhs-officials-leaving-in-homeland-security-overhaul-2019-04-08/)).

and Customs Enforcement custody.”<sup>11</sup> It has been reported that Mr. Miller also wanted Mr. Mitnick to be fired for concluding that a White House proposal to release immigrant detainees in certain cities would violate the law.<sup>12</sup>

As the Department’s leaders have been fired or resigned, Mr. Miller appears to have taken on a greater role in leading the Administration’s immigration policy. One report stated: “In a recent Oval Office meeting, Trump told Miller he would be in charge of handling all immigration and border affairs, according to officials familiar with the meeting.”<sup>13</sup>

Mr. Miller reportedly has called several other DHS officials—including Craig Symons, USCIS Chief Counsel; Matthew T. Albence, then-ICE Senior Official Performing the Duties of the Deputy Director; and Kathy Nuebel Kovarik, USCIS Policy and Strategy Chief—to exert pressure to make extreme immigration policy decisions.<sup>14</sup> These actions are apparently part of a pattern of Mr. Miller pressuring administration officials, including civil servants, to change immigration rules, increase enforcement, and publicly release identifying information about detained immigrants. In at least one instance, Mr. Miller reportedly intervened in an individual immigration case and demanded that an individual be deported.<sup>15</sup>

For these reasons, please provide the following documents and information by May 9, 2019, covering the time period from January 1, 2019, to present:

1. All communications related to the departure, or possibility of departure, from DHS of the following individuals:
  - a. Secretary Nielsen;
  - b. Randolph “Tex” Alles;
  - c. Claire Grady;
  - d. Ronald D. Vitiello;

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<sup>11</sup> *Former Trump Official: Nielsen Was ‘Obstructionist’ Who Wouldn’t Fire ‘Deep State’ Employees in DHS*, Washington Examiner (Apr. 9, 2019) (online at [www.washingtonexaminer.com/news/former-trump-official-nielsen-was-obstructionist-who-wouldnt-fire-deep-state-employees-in-dhs](http://www.washingtonexaminer.com/news/former-trump-official-nielsen-was-obstructionist-who-wouldnt-fire-deep-state-employees-in-dhs)).

<sup>12</sup> *Trump Confirms He’s Looking at Releasing Detained Immigrants into So-called Sanctuary Cities*, CNN (Apr. 12, 2019) (online at [www.cnn.com/2019/04/11/politics/immigrant-detainees-sanctuary-cities/index.html](http://www.cnn.com/2019/04/11/politics/immigrant-detainees-sanctuary-cities/index.html)).

<sup>13</sup> *Trump Ditches His Nominee to Lead ICE, Saying He Wants Someone ‘Tougher’ for Top Immigration Enforcement Role*, Washington Post (Apr. 5, 2019) (online at [www.washingtonpost.com/immigration/trump-ditches-his-nominee-to-lead-ice-says-he-wants-someone-tougher-for-top-immigration-enforcement-role/2019/04/05/c184cc6a-57bd-11e9-9136-f8e636f1f6df\\_story.html](http://www.washingtonpost.com/immigration/trump-ditches-his-nominee-to-lead-ice-says-he-wants-someone-tougher-for-top-immigration-enforcement-role/2019/04/05/c184cc6a-57bd-11e9-9136-f8e636f1f6df_story.html)).

<sup>14</sup> *Stephen Miller Pressuring Trump Officials Amid Immigration Shakeups*, Politico (Apr. 8, 2019) (online at [www.politico.com/story/2019/04/07/stephen-miller-trump-immigration-1260431](http://www.politico.com/story/2019/04/07/stephen-miller-trump-immigration-1260431)).

<sup>15</sup> *How Stephen Miller Made Immigration Personal*, Politico (Apr. 22, 2019) (online at [www.politico.com/story/2019/04/22/stephen-miller-immigration-trump-1284287](http://www.politico.com/story/2019/04/22/stephen-miller-immigration-trump-1284287)).

- e. L. Francis Cissna; and
  - f. John Mitnick; and
2. All communications with Stephen Miller.

For purposes of this request, please produce responsive communications involving:

- You;
- Secretary Nielsen;
- Claire Grady;
- L. Francis Cissna;
- Ronald D. Vitiello;
- John Mitnick;
- Matthew T. Albence;
- Craig Symons; and
- Kathy Nuebel Kovarik.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Committee on the Judiciary has jurisdiction under House Rule X over all immigration policy and non-border enforcement. The Committee on Homeland Security has jurisdiction under House Rule X over homeland security policy and the organization, administration, and general management of the Department of Homeland Security.

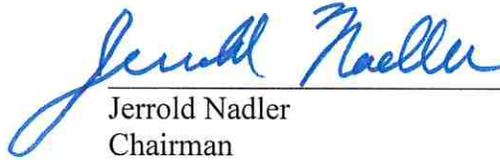
An attachment to this letter provides additional instructions for responding to the Committees’ document request. If you have any questions regarding this request, please contact Oversight Committee staff at (202) 225-5051, Judiciary Committee staff at (202) 225-3951, or Committee on Homeland Security staff at (202) 226-2616.

Thank you for your prompt attention to this matter.

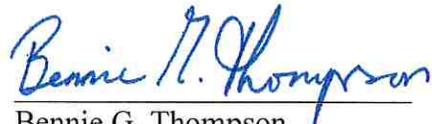
Sincerely,



Elijah E. Cummings  
Chairman  
Committee on Oversight and Reform



Jerrold Nadler  
Chairman  
Committee on the Judiciary



Bennie G. Thompson  
Chairman  
Committee on Homeland Security

Enclosure

cc: The Honorable Jim Jordan, Ranking Member  
Committee on Oversight and Reform

The Honorable Doug Collins, Ranking Member  
Committee on the Judiciary

The Honorable Mike Rogers, Ranking Member  
Committee on Homeland Security

## Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.