

Congress of the United States
Washington, DC 20515

August 9, 2019

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20230

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

Dear Attorney General Barr and Acting Secretary McAleenan:

We are investigating recent coordinated immigration enforcement actions by the U.S. Attorney's Office for the Southern District of Mississippi and Immigration and Customs Enforcement (ICE), resulting in the arrest of 680 people.

We are concerned by reports that these enforcement actions on August 7, 2019, left many children—on their first day of school—separated from their parents and terrified because they did not know where their parents were taken and detained. Volunteers reportedly took in sobbing children at churches and schools to provide them food and comfort.¹

On August 8, the Department of Justice (DOJ) announced that nearly 300 of the 680 people detained were released from custody, including some parents of separated children. That announcement also states that some children were only reunited with one parent, in cases where both parents had been detained.² In addition, approximately 270 people were released, and it appears that they will face only immigration proceedings, not criminal charges.³

¹ *680 Undocumented Workers Arrested in Record-Setting Immigration Sweep on the First Day of School*, CNN (Aug. 9, 2019) (online at www.cnn.com/2019/08/08/us/mississippi-immigration-raids-children/index.html).

² Department of Justice, *Numerous Previously Detained Aliens with Small Children Released on Humanitarian Grounds* (Aug. 8, 2019) (online at www.justice.gov/usao-sdms/pr/numerous-previously-detained-aliens-small-children-released-humanitarian-grounds).

³ *Hundreds of Their Employees Were Arrested in an ICE Raid. They Went Home Without A Charge.*, BuzzFeed (Aug. 9, 2019) (www.buzzfeednews.com/article/adolfoflores/ice-raids-employers-arrest-charges-

According to an August 9 report, Administration officials failed to inform child protective services or schools in advance of the enforcement actions. One ICE official reportedly stated: “We are not a humanitarian agency, but we are trying our best to ameliorate humanitarian concerns.” However, according to this news report, “ICE officials said ICE could not make sure all parents of children had been released or that all children had a safe place to go after school.”⁴

From these reports, it is unclear whether any of the owners or managers of these worksites will face charges or penalties in connection with these enforcement actions. Koch Foods, a company that owned several plants targeted in the enforcement actions, does not appear to have faced any immigration-related charges or penalties. Koch Foods paid \$3.75 million in a 2018 legal settlement with the government to resolve a lawsuit brought by the Equal Employment Opportunity Commission on behalf of Hispanic workers who alleged race, sex, and national origin-based discrimination.⁵

There have been other instances of ICE arrests shortly after a company faced non-immigration government enforcement. For example, in 2018, ICE carried out an enforcement action at a Salem, Ohio meatpacking plant, a week after the Occupational Safety and Health Administration fined the plant \$200,000 for multiple safety violations.⁶

It appears that these DOJ and ICE enforcement actions are targeting only immigrant workers and not their employers. We are alarmed by the potential serious chilling effect of these enforcement actions close in time to these workers vindicating their rights to a safe working environment.

For these reasons, please provide the following documents and information by August 23, 2019:

1. Documents sufficient to show the cost of the August 7, 2019, ICE and DOJ coordinated enforcement actions, including the number of ICE and DOJ employees involved, the General Schedule pay scale information for those employees, and the cost of all other government resources used in the enforcement action and the preceding investigation;
2. Documents sufficient to show the number of individuals detained during the

immigrants-business).

⁴ *What ICE Did and Did Not Do for Kids Left Behind by Mississippi Raids*, NBC News (Aug. 9, 2019) (online at www.nbcnews.com/politics/immigration/what-ice-did-did-not-do-kids-left-behind-mississippi-n1040776).

⁵ *What We Know About the 5 Companies Targeted in the ICE Raids in Mississippi*, Washington Post (Aug. 8, 2019) (online at www.washingtonpost.com/business/2019/08/08/what-we-know-about-five-companies-targeted-mississippi-ice-raids/).

⁶ *ICE Raids Miss. Plant after \$3.75 Million Sexual Harassment Settlement*, Payday Report (Aug. 7, 2019) (online at <http://paydayreport.com/ice-raids-miss-plant-after-3-5-million-sexual-harassment-settlement/>).

enforcement actions, length of time in government custody, the number of minors arrested or detained and their ages, the number of individuals criminally charged, and of those detained, how many are U.S. citizens;

3. Documents sufficient to show family separations that occurred as a result of these enforcement actions, including the number of parents detained, the length of time of separation of each parent from their child, and the number of parents still separated from a child as of the date of production;
4. Documents sufficient to show the nature of all criminal charges stemming from these enforcement actions, including whether any owners, employers, or individuals otherwise responsible for hiring at targeted worksites were charged and the nature of those charges; and
5. Documents sufficient to show all criminal charges, criminal or civil fines, or other government civil action against all companies that employed individuals detained or charged in the August 7, 2019, enforcement actions, from January 1, 2017, to present, including the legal basis for each action.

In addition, please provide a briefing to Committee staff on these matters by August 23, 2019.

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 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 or Committee on Homeland Security staff at (202) 226-2616.

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The Honorable Kevin K. McAleenan
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Thank you for your prompt attention to this matter.

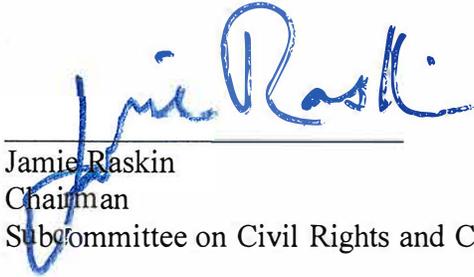
Sincerely,



Elijah E. Cummings
Chairman
Committee on Oversight and Reform



Bennie G. Thompson
Chairman
Committee on Homeland Security



Jamie Raskin
Chairman
Subcommittee on Civil Rights and Civil Liberties

Enclosure

cc: The Honorable D. Michael Hurst, Jr., U.S. Attorney
Southern District of Mississippi

Mr. Matthew T. Albence, Acting Director
U.S. Immigration and Customs Enforcement

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

The Honorable Mike Rogers, Ranking Member
Committee on Homeland Security

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Rights and Civil Liberties

Responding to 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 Committees.
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 Committees' 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 Committees 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 Committees 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 Committees' 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 on Oversight and Reform, 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. When documents are produced to the Committee on Financial Services, production sets shall be delivered to the Majority Staff in Room 2129 of the Rayburn House Office Building and the Minority Staff in Room 4340 of the O'Neill House Office Building. When documents are produced to the Permanent Select Committee on Intelligence, production sets shall be delivered to Majority and Minority Staff in Room HVC-304 of the Capital Visitor Center.
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.