

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Sixteenth Congress

April 15, 2019

Mick Mulvaney
Acting Chief of Staff
White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Kevin K. McAleenan
Acting Secretary
U.S. Department of Homeland Security
301 7th Street SW
Washington, D.C. 20528

Chief of Staff Mulvaney and Acting Secretary McAleenan:

We are deeply troubled by multiple reports, recently confirmed by the President, that the Trump Administration is considering releasing detained immigrants into congressional districts represented by Democrats in a bizarre and unlawful attempt to score political points. According to these reports, senior White House officials contacted officials at the Department of Homeland Security (DHS) about transferring and eventually releasing detainees from facilities across the country into Democratic congressional districts. This proposal was considered at least twice in the last six months,¹ and the President confirmed on April 12, 2019, that the proposal is once again being given “strong considerations.”²

Among other things, we learned that the plan appears to have been specifically designed to target Democratic districts: “[t]he White House told U.S. Immigration and Customs Enforcement that the plan ... served to send a message to Democrats;”³ and that a person familiar with the plan suggested “that releasing the immigrants into the sanctuary cities would be a way of punishing Democrats for resisting budget requests for more money to detain undocumented immigrants.”⁴ We also learned “[t]he sanctuary city proposal ran contrary to ICE

¹ *White House Proposed Released Immigrant Detainees in Sanctuary Cities, Targeting Political Foes*, Washington Post (Apr. 11, 2019) (online at www.washingtonpost.com/immigration/white-house-proposed-releasing-immigrant-detainees-in-sanctuary-cities-targeting-political-foes/2019/04/11/72839bc8-5c68-11e9-9625-01d48d50ef75_story.html?utm_term=.f59ae98e7093).

² President Donald J. Trump, Tweet (Apr. 12, 2019) (online at <https://twitter.com/realDonaldTrump/status/1116742280919044096>).

³ Washington Post, *id.* n. 1.

⁴ *White House is Said to have Debated Sending Migrants to ‘Sanctuary Cities’*, New York Times (April 12, 2019) (online at <https://www.nytimes.com/2019/04/11/us/politics/sanctuary-cities-trump.html>).

policy guidelines, as well as legal counsel”⁵ and that White House senior adviser Stephen Miller “urged senior DHS officials to make the plan a reality” and “was angered that department lawyers refused to produce legal guidance that would make the plan viable.”⁶

These reports are alarming. Not only does the Administration lack the legal authority to transfer detainees in this manner, it is shocking that the President and senior Administration officials are even considering manipulating release decisions for purely political reasons. Given the gravity of this matter, we respectfully request that you provide, for the date range of November 1, 2018, through April 15, 2019, the following documents:

1. Emails and other communications between White House officials and DHS officials, including officials of U.S. Immigration and Customs Enforcement (ICE), concerning the transfer or release, or potential transfer or release, of immigration detainees to or in specific locations or areas within the United States.
2. Emails and other communications between DHS officials concerning the transfer or release, or potential transfer or release, of immigration detainees to or in specific locations or areas within the United States.
3. Emails and other communications between DHS officials and ICE officials concerning the transfer or release, or potential transfer or release, of immigration detainees to or in specific locations or areas within the United States.
4. All DHS document, memorandum and other materials, including drafts thereof, discussing policy or legal justifications or implications for the transfer or release of immigration detainees to or in specific locations or areas within the United States.

Please provide these documents by no later than May 3, 2019.

The Committee on the Judiciary has jurisdiction under House Rule X over all immigration policy and non-border enforcement. 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.

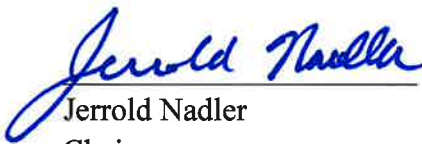
⁵ “ICE officials balked at the notion of moving migrants to detention facilities in different areas, insisting that Congress only authorizes the agency to deport immigrants, not relocate them internally, according to DHS officials.” Washington Post, *id.* n.1. In an email, Mr. Albence [Acting Deputy Director of ICE] responded that the proposal would create ‘an unnecessary operational burden’ on the department and added that he did not know how paying extra to transport migrants to another location was ‘a justified expenditure.’” New York Times, *id.* n. 4

⁶ *Trump Confirms He’s Looking at Releasing Detained Immigrants into so-called Sanctuary Cities*, CNN (April 12, 2019) (online at <https://www.cnn.com/2019/04/11/politics/immigrant-detainees-sanctuary-cities/index.html>).

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 Judiciary Committee staff at (202) 225-395, Oversight Committee staff at (202) 225-5051, or Committee on Homeland Security staff at (202) 226-2616.

Thank you for your prompt attention to this matter.

Sincerely,



Jerrold Nadler
Chairman
House Committee on the
Judiciary



Elijah E. Cummings
Chairman
House Committee on
Oversight and Reform



Bennie G. Thompson
Chairman
House Committee on
Homeland Security

cc: Honorable Doug Collins, Ranking Member, House Committee on the Judiciary
Honorable Jim Jordan, Ranking Member, House Committee on Oversight and Reform
Honorable Mike Rogers, Ranking Member, House Committee on Homeland Security