

Congress of the United States
Washington, DC 20515

August 1, 2022

The Honorable Joseph V. Cuffari
Inspector General
Department of Homeland Security
245 Murray Lane, S.W., Building 410
Washington, D.C. 20528

Dear Inspector General Cuffari:

We are writing with grave new concerns over your lack of transparency and independence, which appear to be jeopardizing the integrity of a crucial investigation run by your office. According to recent reports, your office learned that the Secret Service was missing critical text messages as part of your investigation of the January 6 attack against the U.S. Capitol in May 2021—seven months earlier than previously revealed.¹ The Committees have obtained new evidence that your office may have secretly abandoned efforts to collect text messages from the Secret Service more than a year ago. These documents also indicate that your office may have taken steps to cover up the extent of missing records, raising further concerns about your ability to independently and effectively perform your duties as Inspector General (IG).

Nearly three weeks ago, on July 13, 2022, you wrote to Congress and—for the first time—stated that Secret Service text messages from January 5 and 6, 2021, had been erased.² Your notice to Congress came roughly 14 months after you reportedly learned that the Secret Service texts were unavailable even though Inspectors General are required by law to “immediately” report problems or abuses that are “particularly serious or flagrant.”³

Your July 13, 2022, letter failed to mention that a year earlier, and just six weeks after you initially requested text messages of Secret Service personnel, senior officials in your office instructed the Department of Homeland Security (DHS) that the Office of Inspector General

¹ *Exclusive: DHS Inspector General Knew of Missing Secret Service Texts Months Earlier than Previously Known*, CNN (July 29, 2022) (online at www.cnn.com/2022/07/29/politics/secret-service-missing-texts-january-6-dhs-inspector-general/index.html).

² Letter from Inspector General Joseph V. Cuffari, Department of Homeland Security, to Chairman Bennie G. Thompson and Ranking Member John Katko, House Committee on Homeland Security, and Chairman Gary C. Peters and Ranking Member Rob Portman, Senate Committee on Homeland Security and Governmental Affairs (July 13, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-07-13-DHS-OIG-Letter-to-HSGAC-CHS.pdf>).

³ 5 U.S.C. App. (IG Act) § 5(d).

(OIG) no longer needed Secret Service text messages as part of its investigation related to the January 6 attack.⁴

The Committees obtained a July 27, 2021, email from Thomas Kait, the Deputy Inspector General for Inspections and Evaluations in your office, to Jim Crumpacker, a senior liaison official at DHS. Deputy IG Kait stated:

Jim, please use this email as a reference to our conversation where I said we **no longer request phone records and text messages** from the USSS [United States Secret Service] relating to the events on January 6th.⁵

It is unclear to the Committees why your office chose not to pursue critical information from the Secret Service at this point in this investigation. Information obtained by the Committees indicate that more than four months later, on December 3, 2021, your office finally submitted a new request to DHS for certain text messages.

The Committees have also learned that the same senior official in your office, Deputy IG Kait, removed key language from a February 2022 memorandum to DHS, which had highlighted the importance of text messages to the OIG's investigation and criticized the Department for not complying with the December 3, 2021, request. The original memorandum, dated February 4, 2022, stated:

To date, most DHS components have not provided the requested information. Text message content is a critical source of information for the DHS OIG review.

However, Deputy IG Kait apparently worked with other senior staff members in your office to alter the memo to remove the reference to text messages and instead praise the Department for its responses. The final version of the memo, signed on February 10, 2022, stated:

On December 17, 2021, we received a timely and consolidated response from each component to our December 3, 2021 request; however, additional and clarifying information is needed before we can complete the reviews.

According to other information obtained by the Committees, around this time Deputy IG Kait asked colleagues, "Am I setting us up for anything by adding what I did? I spoke with

⁴ *Secret Service Watchdog Knew in February That Texts Had Been Purged*, Washington Post (July 20, 2022) (online at www.washingtonpost.com/national-security/2022/07/20/secret-service-national-archives/).

⁵ Email from Thomas Kait, Deputy Inspector General for Inspections and Evaluations, Office of Inspector General, Department of Homeland Security, to Jim Crumpacker, Director, Departmental GAO-OIG Liaison Office, Department of Homeland Security (July 27, 2021) (emphasis added) (<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Redacted%20-%207.27.21%20Email%20Kait%20to%20Crumpacker.pdf>).

Kristen late last week and she was ok with acknowledging the DAL's [Department Audit Liaison's] efforts.”⁶

These documents raise troubling new concerns that your office not only failed to notify Congress for more than a year that critical evidence in this investigation was missing, but your senior staff deliberately chose not to pursue that evidence and then appear to have taken steps to cover up these failures.

Additional information obtained by the Committees indicates that your office was notified in February 2022 that text messages from Chad Wolf and Ken Cuccinelli, the top two political officials at DHS on January 6, could not be accessed. You did not notify Congress of this critical information.⁷ The Committees have also learned that your office became aware in January 2022 that Mr. Cuccinelli was using his personal phone, yet your office did not seek to collect messages from this device.

We recently called for you to step aside from this matter and for a new IG to be appointed in light of revelations that you had failed to keep Congress informed of your inability to obtain key information from the Secret Service.⁸ Removing yourself from this investigation is even more urgent today. In addition, in light of the cascading revelations about your failure to conduct this investigation effectively and communicate truthfully with Congress,⁹ our Committees need further information to determine the full scope of potential mismanagement and misconduct in your investigation and to identify further actions Congress may need to take. This information will be essential to ensuring that the duties of the DHS OIG are carried out in an “independent and objective” manner and that Congress is kept “fully and currently informed about problems and deficiencies” as required by law.¹⁰

In light of these new concerns, please provide the following documents no later than August 8, 2022:

⁶ Email from Thomas Kait, Deputy Inspector General for Inspections and Evaluations, Office of Inspector General, Department of Homeland Security (Feb. 10, 2022).

⁷ See, e.g., *Jan. 6 Texts Missing for Trump Homeland Security's Wolf and Cuccinelli*, Washington Post (July 29, 2022) (online at www.washingtonpost.com/nation/2022/07/28/homeland-security-texts-jan6/).

⁸ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, and Chair Allison C. Lerner, Council of the Inspectors General on Integrity and Efficiency (July 26, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-07.26.CBM%20BGT%20to%20Cuffari-DHS%20and%20Lerner-CIGIE%20re%20Secret%20Service.pdf>).

⁹ See, e.g., *Jan. 6 Texts Missing for Trump Homeland Security's Wolf and Cuccinelli*, Washington Post (July 29, 2022) (online at www.washingtonpost.com/nation/2022/07/28/homeland-security-texts-jan6/) (explaining that after being alerted by DHS in February 2022 that texts for Mr. Wolf and Mr. Cuccinelli had been erased, DHS OIG “did not press the department leadership at that time to explain why they did not preserve these records, nor seek ways to recover the lost data” and “failed to alert Congress to the potential destruction of government records”).

¹⁰ 5 U.S.C. App. (IG Act) § 2.

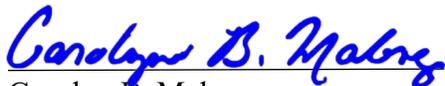
1. All communications related to any decision by any DHS OIG personnel not to collect or recover any text messages in this investigation, including but not limited to communications related to Deputy Inspector General Kait's July 27, 2021, email to Jim Crumpacker;
2. All communications related to notifying Congress about the deletion, erasure, or unavailability of any text messages in this investigation; and
3. All documents and communications related to the deletion, erasure, unavailability, or recovery of text messages from the Secret Service, Mr. Chad Wolf, and Mr. Ken Cuccinelli in connection with this investigation.

Please note that responsive communications include but are not limited to those sent or received by you, Deputy Inspector General Kait, and Deputy Inspector General and Chief of Staff Kristen Fredricks.

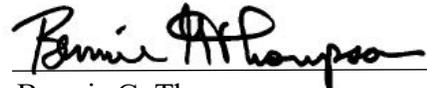
In addition, please make the following individuals available for transcribed interviews, no later than August 15, 2022: Deputy Inspector General Kait and Deputy Inspector General and Chief of Staff Fredricks.

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

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Bennie G. Thompson
Chairman
Committee on Homeland Security

Enclosure

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable John Katko, Ranking Member
Committee on Homeland Security