

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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September 14, 2018

Mr. Joseph Maher
Principal Deputy General Counsel
Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20528

Dear Mr. Maher:

The Committee issued the enclosed subpoena for your deposition on September 25, 2018. Access to documents and witnesses is necessary for Congress to fulfill oversight responsibilities and the Committee expects government officials, especially senior officials, to voluntarily cooperate with congressional investigations. Over the past decade, the Committee has taken hundreds of voluntary transcribed interviews with fact witnesses, the overwhelming majority of whom have been U.S. officials. With most government officials, subpoenas do not even have to be threatened, much less executed; therefore, your uncooperative posture is a telling and unacceptable outlier.

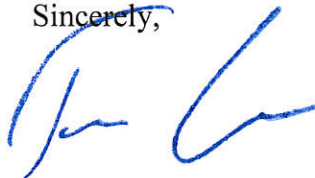
For nearly three years, the Committee has investigated senior-level misconduct and whistleblower retaliation at the Transportation Security Administration (TSA). The Committee obtained documents and testimony substantiating many of these allegations. Our investigation found senior TSA officials engaged in recurrent misconduct with minimal consequences. Compounding this untenable situation has been the Department of Homeland Security's efforts to obscure and obstruct oversight by the Committee and the independent agency charged with protecting whistleblowers—the U.S. Office of Special Counsel (OSC). The TSA's leadership wrongly used involuntary directed reassignments as a means of retaliation against whistleblowers and other disfavored employees. Numerous TSA whistleblowers also filed complaints with OSC.

TSA has withheld and inappropriately redacted documents from the Committee and OSC. Witnesses testified this occurred at your direction. TSA officials claim they were instructed to use the veil of attorney-client privilege to keep core communications from OSC and the Committee. The Department's Office of General Counsel—principally during the time period of your leadership—and TSA maintain this position despite the Committee's legal entitlement to the documents pursuant to congressional subpoena. To understand the decision to withhold documents and information from the Committee, we requested your transcribed interview. For nearly two years, you have refused to cooperate.

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Even without your cooperation, the Committee developed an extensive evidentiary record demonstrating senior TSA officials routinely retaliated against rank-and-file employees who raised concerns to Congress, the media, and other investigative entities. Our investigative work cannot be completed without your testimony because witnesses have repeatedly identified you as uniquely positioned to provide answers. Because you have been unwilling to cooperate voluntarily and because your testimony is necessary to complete this investigation, the enclosed subpoena is issued.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Trey Gowdy', is written over the word 'Sincerely,'.

Trey Gowdy

Enclosures

cc: The Honorable Elijah E. Cummings