

Congress of the United States
Washington, DC 20515

January 11, 2019

VIA ELECTRONIC MAIL

The Honorable Michael Mulvaney
Acting Chief of Staff
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

The Honorable Dan Coats
Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20511

The Honorable David J. Glawe
Under Secretary for Intelligence & Analysis
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Mr. Mulvaney, Director Coats, and Under Secretary Glawe:

I write to raise two concerns about the Administration's use of intelligence and other information in formulating policy and making public statements in recent months about the U.S. southern border.

The first involves the basis for the Administration's inflammatory claims about threats to national security. In recent days, President Trump and Administration officials have charged that our border with Mexico is host to a "growing humanitarian and security crisis."¹ That claim stems in part from the Administration's assertion of a purported terrorist threat to the U.S. homeland at the southern border. For example, the Administration has cited the statistic that DHS prevented 3,755 known or suspected terrorists (KSTs) from entering the country in fiscal

¹ "President Donald J. Trump's Address to the Nation on the Crisis at the Border," The White House, January 8, 2019: <https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-address-nation-crisis-border/>

year 2017 when making its case for Congress to fund a border wall.² The President has further said the situation may impel him to take the drastic and legally dubious step of declaring a “national emergency”³ to bypass Congress and order immediate construction of a new physical barrier.

To date, I have not seen recent or updated information from the U.S. Intelligence Community (IC) to substantiate the Administration’s dire proclamations about the magnitude and nature of this claimed crisis – particularly with respect to terrorism. Nor have I been privy, despite requests from Committee staff to the Department of Homeland Security (DHS), to seemingly important intelligence that the White House alluded to in policy documents authorizing the use of military resources to support border personnel in November of 2018.⁴ According to such documents,

Credible evidence and intelligence indicate that migrant caravans originating from Central America and moving toward the southern border of the United States (southern border) may prompt incidents of violence and disorder that could threaten U.S. Customs and Border Protection and other United States Government personnel...⁵

It remains unclear to me whether that “credible evidence and intelligence” included, in whole or in part, finished intelligence or analysis from the IC, or information from elsewhere.

The Administration’s public handling of data regarding terrorism and the southern border, including a “myth/fact” document issued by the DHS on January 7, 2019, is also troubling. Ostensibly intended to clarify past misstatements by the Administration and to explain key terminology to the public, this release only obfuscated the issue – among other things, by failing to clearly set forth whether any of the oft-cited 3,755 KSTs in fact sought to cross the southern border illegally. Stopping the entry of KSTs into the homeland is vital, but this CBP statistic in and of itself does not validate the Administration’s provocative claims regarding terrorism emanating from Mexico.

Accordingly, I request complete and unredacted copies of the following:

1. Any finished intelligence or assessments by the U.S. Intelligence Community (IC), regardless of classification, which address the threat to U.S. national security posed by

² e.g., “A Border Security and Humanitarian Crisis” Congressional Border Security Briefing, January 2019: <https://www.whitehouse.gov/wp-content/uploads/2019/01/Border-Briefing.pdf>

³ “Remarks by President Trump After Marine One Arrival,” The White House, January 6, 2019: <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-arrival-3/>

⁴ “Donald Trump Signs Authorization For Border Troops Using Lethal Force As Migrant Caravan Approaches, Document Reveals,” *Newsweek*, November 21, 2018: <https://www.newsweek.com/donald-trump-memo-migrant-caravan-border-troops-1226945>

⁵ See <https://www.documentcloud.org/documents/5219082-Pres-Border-Decision-Memo.html> (emphasis added)

non-U.S. citizens seeking to cross the southern border, legally or illegally, from the start of fiscal year 2016 to present.

2. All of the intelligence, regardless of form or classification, that constituted the “credible evidence and intelligence” cited by the White House, in November 2018 policy memoranda authorizing Defense Department support to U.S. border personnel.
3. As to each of the known or suspected terrorists (KSTs) prevented from traveling to or entering the United States since the start of fiscal year 2016 to present, specific data or other information to show how each such KST sought to travel to or enter the United States (by air, sea, or land); and, to the extent any such person did so by land, whether that person sought to cross the United States’ southern border;
4. The number of KSTs encountered at the southern border from the start of fiscal year 2016 to the present, broken down by year and country of origin.
5. The number of Special Interest Aliens (SIAs) encountered at the U.S.-Mexico border at lawful ports of entry versus illegal points of entry from the start of fiscal year 2016 to present, broken down by year and country of origin.

I ask that you reply by letter, and fulfill my specific requests for information above, by no later than 5 p.m. on **Wednesday, January 16, 2019**. And should President Trump declare any type of national emergency prior to that date, I expect a briefing immediately upon such declaration. If you have any questions, please contact the Committee at (202) 225-7690.

Sincerely,



Adam B. Schiff
Chairman
House Permanent Select Committee on Intelligence