

Congress of the United States
Washington, DC 20515

October 9, 2020

Mr. Tony H. Pham
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement
500 12th Street S.W.
Washington, D.C. 20536-5003

Dear Mr. Pham:

We are writing because U.S. Immigration and Customs Enforcement (ICE) appears to be stonewalling Congress by withholding documents regarding disturbing allegations of medical abuse against detainees at the Irwin County Detention Center (ICDC). In addition to failing to provide documents the Committees requested from ICE, the agency reportedly is trying to prevent LaSalle Corrections—the contractor that operates ICDC—from producing documents directly to Congress. We write today to seek the immediate production of all documents requested by the Committees last month.

On September 21, 2020, our Committees wrote to you, the Executive Director of LaSalle Corrections, and the Warden of ICDC seeking seven categories of documents relating to whistleblower allegations that detainees were sent to a medical provider who performed gynecological procedures without obtaining informed consent and that detainees were held in conditions that violated protocols recommended by federal public health officials to control the spread of the coronavirus. The Committees requested all responsive documents by October 2, 2020.¹

No documents have been produced to date by you, LaSalle Corrections, or ICDC. Instead, officials from LaSalle Corrections informed us that they produced responsive documents to you prior to the response date of October 2, claiming—incorrectly—that their contract with ICE prevents them from producing documents directly to the Committees without your permission.²

Despite this misunderstanding of the law, you have not stated when—or even if—ICE will allow LaSalle Corrections to produce its documents to the Committees, or when or if you will produce your own responsive documents to the Committees. ICE staff have indicated that they might not produce any documents to the Committees, but instead may seek to withhold

¹ Letter from Chairman Bennie G. Thompson, Committee on Homeland Security, Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, et al., to Senior Official Performing the Duties of Director Tony H. Pham, U.S. Immigration and Customs Enforcement, Rodney Cooper, Executive Director, LaSalle Corrections, and Warden Phil Bickham, Irwin County Detention Center (Sept. 21, 2020) (online at <https://homeland.house.gov/imo/media/doc/ICDC%20investigation%20letter.pdf>).

² Telephone Call Between Committee Staff and Regional Director, LaSalle Corrections (Oct. 5, 2020).

them by deflecting responsibility to the Department of Homeland Security's Office of Inspector General.

You, LaSalle Corrections, and the ICDC each have an independent responsibility to produce to Congress the documents we have requested, yet you have all failed to do so to date. Agencies may not use any contractual provisions or other means to prohibit contractors or others from providing documents or information sought by Congress. Moreover, the existence of an investigation by the Inspector General does not in any way relieve you—or your contractors—of your independent obligation to produce all documents requested by the Committees.

For these reasons, the Committees request that you produce by October 13, 2020, all documents in unredacted form that are responsive to the Committees' request on September 21, 2020. We also request that you stop blocking LaSalle Corrections or ICDC from producing their own responsive documents to the Committees. Finally, the Committees request an unredacted copy of the current contract between ICE and LaSalle, including all appendices, modifications, or other attachments.

If you fail to comply with this request voluntarily, the Committees will consider using compulsory means to obtain these documents. Thank you for your immediate attention to this matter.

Sincerely,



BENNIE G. THOMPSON
Chairman
Committee on Homeland Security



CAROLYN B. MALONEY
Chairwoman
Committee on Oversight and Reform



KATHLEEN RICE
Chairwoman
Subcommittee on Border Security,
Facilitation, and Operations



JAMIE RASKIN
Chairman
Subcommittee on Civil Rights
and Civil Liberties

cc: The Honorable Mike Rogers, Ranking Member
Committee on Homeland Security

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

Mr. Tony H. Pham

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The Honorable Clay Higgins, Ranking Member
Subcommittee on Border Security, Facilitation, and Operations

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

Mr. Rodney Cooper, Executive Director
LaSalle Corrections

Mr. Phil Bickham, Warden
Irwin County Detention Center