

# United States Senate

WASHINGTON, DC 20510

March 22, 2018

Mr. John Kelly  
Acting Inspector General  
Department of Homeland Security  
Office of Inspector General/Mail Stop 0305  
245 Murray Lane SW  
Washington, DC 20528-0305

Dear Mr. Kelly:

We write today to respectfully request an investigation into the resignation of James Schwab, who until recently served as a spokesman for the San Francisco Division of Immigration and Customs Enforcement (ICE). According to press accounts, Mr. Schwab resigned from his position after the agency conducted an enforcement operation called “Keep Safe” in Northern California. According to these reports, Mr. Schwab stated that he could no longer remain in his job after agency officials made false and misleading public statements about operation “Keep Safe.”<sup>1</sup>

On February 24, 2018, the Mayor of Oakland, Libby Schaaf, issued a public statement informing the residents of her city about impending immigration enforcement actions. A day later, on February 25, 2018, ICE initiated immigration enforcement arrests as part of the planned operation “Keep Safe” throughout Northern California. On March 2, 2018, the agency reported the operation resulted in the arrest of 232 individuals, but that its original target was substantially more.<sup>2</sup>

More specifically, ICE Acting Director, Thomas D. Homan, claimed in a press release that, “864 criminal aliens and public safety threats remain at large in the community, and I have to believe that some of them were able to elude us

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<sup>1</sup> Hamed Aleaziz, *San Francisco's ICE spokesman quits, disputes agency's claim that 800 eluded arrest*, SFGATE, March 13, 2018, <https://www.sfgate.com/bayarea/article/ICE-spokesman-said-to-quit-over-officials-12748022.php>.

<sup>2</sup> Press Release, U.S. Immigration and Customs Enforcement, 232 illegal aliens arrested during ICE operation in Northern California (March 1, 2018), <https://www.ice.gov/news/releases/232-illegal-aliens-arrested-during-ice-operation-northern-california>.

thanks to the mayor's irresponsible decision.”<sup>3</sup> Additionally, Attorney General Jeff Sessions made similar remarks, stating, “those are 800 wanted criminals that are now at large in that community – most are wanted criminals that ICE will now have to pursue with more difficulty in more dangerous situations, all because of one mayor's irresponsible action.”<sup>4</sup>

In a recent interview with the *San Francisco Chronicle*, Mr. Schwab expressed his frustration at the statements made by ICE officials that Mayor Schaaf's public announcement led to 800 undocumented immigrants escaping arrest. According to Mr. Schwab, he wanted the agency to “correct” the number, which he believed was wrong.<sup>5</sup> When Mr. Schwab raised this issue, he was told to “deflect.”<sup>6</sup>

Mr. Schwab resigned, saying that he did not want to “perpetuate misleading facts” to the media about the operation.<sup>7</sup> Further, he noted “we [ICE] were not ever going to be able to capture 100 percent of the target list.”<sup>8</sup> Mr. Schwab added: “I didn't feel like fabricating the truth to defend ourselves against [Schaaf's] actions was the way to go about it ... to say that 100 percent are dangerous criminals on the street, or that those people weren't picked up because of the misguided actions of the mayor, is just wrong.”<sup>9</sup> ICE has since reversed its previous statements, saying it “can't put a number on how many targets avoided arrest” due to Mayor Schaaf's alert.<sup>10</sup>

We have serious concerns that Trump administration officials are misrepresenting the facts and statistics surrounding this enforcement action for political purposes. Public policies and law enforcement operations must be informed by facts, not the fabricated overstatements or distortions of political officials. Therefore, we respectfully request that your office look into Mr. Schwab's allegations, along with the accuracy of statements made by Trump

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<sup>3</sup> Press Release, U.S. Immigration and Customs Enforcement, ICE statement on immigration enforcement activities in northern California (Feb. 27, 2018), <https://www.ice.gov/news/releases/ice-statement-immigration-enforcement-activities-northern-california>.

<sup>4</sup> Dan Simon, *ICE spokesman in SF resigns and slams Trump administration officials*, CNN, March 13, 2018, <https://www.cnn.com/2018/03/12/politics/ice-spokesman-resigns-san-francisco/index.html>.

<sup>5</sup> Aleaziz, *supra* note 1.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Hamed Aleaziz, *After spokesman quits in protest, ICE 'can't put a number' on missed arrests*, SFGATE, March 13, 2018, <https://www.sfgate.com/bayarea/article/After-spokesman-quits-in-protest-ICE-says-it-12750488.php>.

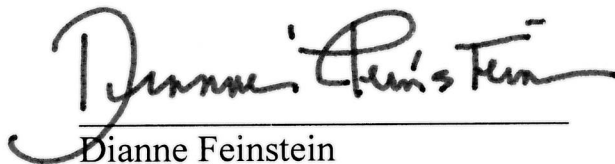
officials about operation “Keep Safe.” Additionally, we ask that you consider looking into the following matters:

1. Any email communications from Mr. Schwab to officials within the Department of Homeland Security (DHS), and vice versa, concerning operation “Keep Safe” – including communications made after the operation concluded.
2. Any email communications from Mr. Schwab to officials within the Department of Justice (DOJ), and vice versa, concerning operation “Keep Safe” – including communications made after the operation concluded.
3. Communications that indicate the Departments of Justice and Homeland Security conducted operation “Keep Safe” to send a political message to the state of California.
4. The total number of individuals arrested as part of operation “Keep Safe,” the location of such arrests, and the total number who were actual targets of the operation.
5. Whether any public officials, including career or political staff within the Department of Homeland Security, knowingly made false statements relating to operation “Keep Safe.”
6. Whether any public officials, including career or political staff within the Department of Homeland Security, knowingly made false statements relating to any other operation conducted within the state of California.
7. Whether any public officials, including career or political staff within the Department of Homeland Security, used public resources to mislead the public.
8. Whether any public officials, including career or political staff within the Department of Homeland Security, had political motivations when targeting California for operation “Keep Safe.”
9. The total number of individuals arrested in operation “Keep Safe” with criminal convictions, specifying the conviction (felony, misdemeanor, etc.).

10. The total number of individuals arrested in operation "Keep Safe" who had been convicted of violent crimes.
11. The total number of individuals arrested in operation "Keep Safe" who were collateral arrests.
12. The total number of individuals arrested in operation "Keep Safe" with a final order of removal, including how many were targeted solely based on the fact they had a final order of removal.
13. Reviewing instructions, training, or guidance materials provided to personnel involved in operation "Keep Safe."
14. Providing a breakdown of the full financial implications of this enforcement operation, including details on personnel costs and diversions.

Thank you for your consideration on this important matter.

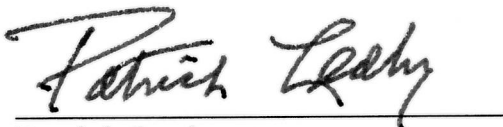
Sincerely,



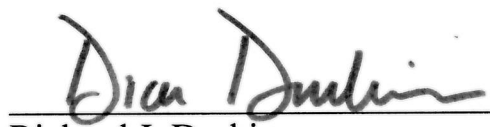
Dianne Feinstein  
United States Senator



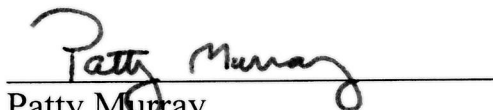
Kamala D. Harris  
United States Senator



Patrick Leahy  
United States Senator



Richard J. Durbin  
United States Senator



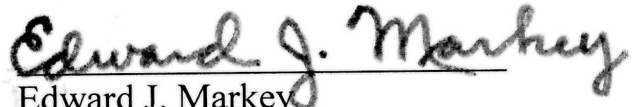
Patty Murray  
United States Senator



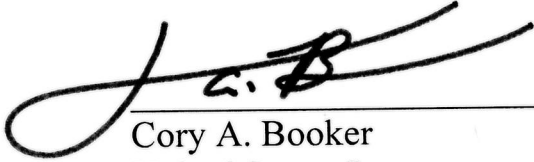
Robert Menendez  
United States Senator



Mazie K. Hirono  
United States Senator



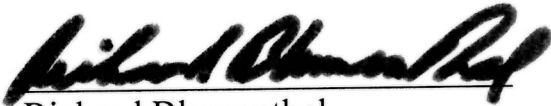
Edward J. Markey  
United States Senator



Cory A. Booker  
United States Senator



Elizabeth Warren  
United States Senator



Richard Blumenthal  
United States Senator



Catherine Cortez Masto  
United States Senator