

EXHIBIT 3

SENT VIA: FOIA Portal

April 19, 2023

Privacy Office, Mail Stop 0655
Department of Homeland Security
2707 Martin Luther King Jr. AVE
SE Washington, D.C. 20528-065

Dear FOIA Officer,

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the Department of Homeland Security (DHS), 6 CFR Part 5, I respectfully request the following records from January 1, 2021, to the present containing the following terms:

1. “wristband!”; or
2. “bracelet!”

Please limit this search to the following custodians: (1) Secretary Mayorkas; (2) the Office of the Executive Secretary; (3) any person within Secretary Mayorkas’ Office.

“!” denotes a root expander for the purpose of this Request.

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases,

circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term. By definition a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms “all,” “any,” and “each” should each be construed as ‘encompassing any and all. The singular includes the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neuter genders.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

“Communications with,” “communications from,” and “communications between” means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc’d or bcc’d, both parties are cc’d or bcc’d, or some combination thereof.

The term “employee” means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant,

contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

The term “Congress” refers to any person elected to the United States House of Representatives or United States Senate, or is assigned a “house.gov” or “senate.gov” email address.

Please consider all members of a document “family” to be responsive to the request if any single “member” of that “family” is responsive, regardless of whether the “family member” in question is “parent” or “child.”

This request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than twenty business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please produce responsive documents in reverse chronological order. In other words, please produce the most recent documents first. Please also being production with records for which Secretary Mayorkas and the Office of the Executive Secretary are custodian.

Please comply fully with 5 U.S.C. § 552(b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite

each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

Fee Waiver Request

This request is primarily and fundamentally for non-commercial purposes. I am an investigative columnist for the Heritage Foundation's national news outlet, *The Daily Signal*. As part of a 501(c)(3) nonprofit, *The Daily Signal* does not have a commercial purpose and the release of the information requested is not in the Heritage Foundation or *The Daily Signal's* commercial interest. The Heritage Foundation's mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. Heritage Foundation uses the information requested and analyzes it in order to educate the public through social media,¹ broadcast media² (traditional and nontraditional) and press releases.³ The Oversight Project is an initiative aimed at obtaining information via Freedom of Information Act requests and other means in order to best inform the public and Congress for the purposes of Congressional oversight. The requests and analysis of information are informed by Heritage's deep policy expertise. By function, the Oversight Project primarily engaged in disseminating information to the public.

The requested information is in the public interest as the question of whether the DHS Secretary knew or should have known about human trafficking organizations' use of wristbands to organize human smuggling operations in the facilitation of illegal immigration at the Southwest border is a matter of great national controversy. Senator Ted Cruz showed Secretary Mayorkas pictures of discarded wristbands found near the Southwest Border at a recent Senate Judiciary Committee hearing and asked them what they were. Secretary Mayorkas responded: "I don't know what they are."⁴ The purpose of this Freedom of Information Act request is to determine whether Secretary Mayorkas had been

¹ Heritage Foundation. [@ Heritage] (Accessed: 2022, February 18). 626.8K Followers Twitter. <https://twitter.com/Heritage>

² Fox News. (Accessed: 2022, February 18). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

³ Heritage Foundation. (Accessed: 2022, February 18). Press. <https://www.heritage.org/press>.

⁴ MSN.com. (Accessed: 2023, April 3). Cruz says wristbands smugglers use to track migrants are like 'leg irons' <https://www.msn.com/en-us/news/us/cruz-says-wristbands-smugglers-use-to-track-migrants-are-like-leg-irons/ar-AA19kISF>

informed about the use of wristbands by human trafficking organizations at the Southwest Border.

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for *The Daily Signal*⁵ (a major news outlet⁶), I actively gather information of potential interest to our *Daily Signal* audience, and I use my editorial skills to turn raw materials into a distinct work, and I distribute that work to our Daily Signal audience through podcasts⁷ or articles. I request that you waive all applicable fees associated with this request.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

Expedited Processing Request

Pursuant to 6 C.F.R. § 5.5(e)(1)(iv), I request expedited processing for this request. I certify the following statement of facts in support of expedited processing to be true and correct pursuant to 6 C.F.R. § 5.5(e)(1)(iv).

Background:

1. Under Secretary Mayorkas' tenure as head of the Department of Homeland Security ("DHS"), the United States has experienced record high levels of illegal immigration at our Southwest border.⁸ Expert, media, and congressional analysis have noted that policies promulgated by Secretary Mayorkas and the Biden Administration have contributed to the migrant crisis. For example, an article from Fox News detailed criticisms over the Biden administration's handling of the border crisis as well as allegations that DHS' policies have caused or exacerbated the crisis.⁹ The article notes that, from fiscal years 2021 to 2022, encounters at the US-Mexico border spiked from 1.7 to 2.3 million, with 2023 on pace to be even higher, and that "many" continue to blame this increase on Biden administration policies carried out by DHS. The article also elaborates upon Republican threats of impeaching Secretary Mayorkas, specifically citing a demand by 20 House Republicans based upon

⁵Daily Signal. (Accessed: 2022, February 18). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>

⁶Daily Signal. [@DailySignal] (Accessed: 2022, February 18). 73.7K Followers Twitter. <https://twitter.com/DailySignal>

⁷Apple. (Accessed: 2022, March 4). The Daily Signal Podcast. <https://podcasts.apple.com/us/podcast/the-daily-signal-podcast/id1313611947>

⁸NBC News. (Accessed: 2023, April 13). Migrant border crossings in fiscal year 2022 topped 2.76 million, breaking previous record. <https://www.nbcnews.com/politics/immigration/migrant-border-crossings-fiscal-year-2022-topped-276-million-breaking-rcna53517>

⁹Fox News. (Accessed: 2023, April 13). Mayorkas says he will not resign over border crisis, insists he is prepared for GOP investigations. <https://www.foxnews.com/politics/mayorkas-says-not-resign-border-crisis-insists-prepared-gop-investigations>

allegations that the Secretary lied under oath. Furthermore, an article by CNN detailed the current debate over the possible impeachment of Secretary Mayorkas.¹⁰ The article states that the House Judiciary Committee is “prepared to move ahead with formal proceedings if there appears to be a consensus within the GOP conference.” The CNN article also elaborates upon the current discussion over the impeachment of Mayorkas by GOP Congressmen, specifically quoting Rep. James Comer’s statement that “[i]f anybody is a prime candidate for impeachment in this town, it’s Mayorkas,” and also Rep. Mario Diaz-Balart saying “[h]as he been totally dishonest to people? Yes. Has he failed in his job miserably? Yes, ... Are those grounds for impeachment? I don’t know.”

There has been widespread media coverage of an exchange between Senator Ted Cruz and Secretary Mayorkas at a March 28, 2023 Senate Judiciary Committee hearing. According to an article from the *New York Post*, when Ted Cruz questioned Mayorkas about the wristbands worn by migrants at the US-Mexico border, the Secretary admitted he “did not know” what they were.¹¹ Sen. Cruz called Secretary Mayorkas “incompetent” in response and went on to explain how cartels use these wristbands to identify how much each illegal immigrant owes the cartels. The *New York Post* article also relates this recent confrontation with the broader context of calls for Mayorkas to resign or be impeached.

Knowledge of the cartel practice of using wristbands to track migrants has been widespread since at least early 2021—while Secretary Mayorkas has been in office. An article from Reuters published March 9, 2021, details the cartel wristband system: “The plastic bands - red, blue, green, white - some labeled ‘arrivals’ or ‘entries’ in Spanish, are discarded after migrants cross the river on makeshift rafts. ... The ‘information on the bracelets represents a multitude of data that is used by smuggling organizations, such as payment status or affiliation with smuggling groups.’”¹² Similarly, a recent tweet from Jorge Ventura Media highlighted a report from 2021 which detailed the role of wristbands in the cartel’s human trafficking.¹³

The purpose of this request is to shed light upon the recent and widespread controversy surrounding Secretary Mayorkas’ testimony that he lacked knowledge

¹⁰ CNN. (Accessed: 2023, April 13). House GOP lays groundwork for Mayorkas impeachment as moderates balk. <https://www.cnn.com/2023/01/17/politics/alejandra-mayorkas-house-republicans-impeachment-plans/index.html>

¹¹ New York Post. (Accessed: 2023, April 13). Sen. Ted Cruz, Alejandro Mayorkas get into spat over border crisis: ‘Willing to let children be raped’. <https://nypost.com/2023/03/28/sen-cruz-mayorkas-get-into-heated-spat-over-border-crisis/>

¹² Reuters. (Accessed: 2023, April 13). Color-coded passage: Why smugglers are tagging U.S.-bound migrants with wristbands. <https://www.reuters.com/article/us-usa-immigration-border-idUSKBN2B12E6>

¹³ Jorge Ventura Media. [@VenturaReport] (Accessed: 2023, April 13). 98.8K Followers Twitter. https://twitter.com/VenturaReport/status/1641198325042122752?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1641198325042122752%7Ctwgr%5E1109113a970353e5d596816ad5af3038f6b954e2%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fussanews.com%2F2023%2F03%2F30%2Fsee-it-here-multiple-reporters-provide-the-receipts-after-mayorkas-claims-he-doesnt-know-what-wristbands-are-vidoes-photos%2F

about the wristbands used by cartels at the US border. Specifically, this request seeks records revealing whether the Secretary was aware of the use of color-coded wristbands by cartels at the time of the March 28 hearing. This request also relates to the controversy surrounding Secretary Mayorkas' tenure as Secretary of DHS more broadly. The question of whether the Secretary was aware of the cartel system of color-coded wristbands to track migrants implicates DHS' handling of the migrant crisis as a whole and influences current discussions over whether the House should impeach the Secretary. The DHS Secretary's apparent lack of awareness of human smugglers tracking systems raises serious questions about his ability to secure the Southwest border. If Secretary Mayorkas is indeed unaware of one of the most widespread human trafficking practices among cartels, the clear implication is that he and the Agency are, at best, grossly negligent in its handling of the border crisis. Alternatively, if Secretary Mayorkas was not accurate in his testimony as many have claimed that creates a serious issue in and of itself.

2. The following factual Appendices are attached and expressly incorporated herein and made part of this request (as are the factual sources cited therein).

- Appendix A is a compilation of articles, network TV transcripts, and radio interviews from national media outlets regarding Secretary Mayorkas' testimony before the Senate Judiciary Committee on March 28, 2023.¹⁴
- Appendix B is Secretary Mayorkas' written testimony before the Senate Judiciary Committee for is hearing on March 28, 2023.¹⁵
- Appendix C is a transcript of the March 28, 2023, Senate Judiciary Committee hearing entitled, "Oversight of the Department of Homeland Security."¹⁶
- Appendix D is a compilation of tweets from Members of Congress, think-tanks, and media regarding Secretary Mayorkas' testimony before the Senate Judiciary Committee on March 28, 2023.¹⁷
- Appendix E is a compilation of articles and network TV transcripts concerning the ongoing crisis at the US-Mexico border.¹⁸

Expedited Processing is Warranted under 6 C.F.R. § 5.5(e)(1)(iv).

¹⁴ http://thf_media.s3.amazonaws.com/2023/Oversite_Project/DHS_wristbands_appendix_A-E.pdf

¹⁵ http://thf_media.s3.amazonaws.com/2023/Oversite_Project/DHS_wristbands_appendix_A-E.pdf

¹⁶ http://thf_media.s3.amazonaws.com/2023/Oversite_Project/DHS_wristbands_appendix_A-E.pdf

¹⁷ http://thf_media.s3.amazonaws.com/2023/Oversite_Project/DHS_wristbands_appendix_A-E.pdf

¹⁸ http://thf_media.s3.amazonaws.com/2023/Oversite_Project/DHS_wristbands_appendix_A-E.pdf

1. This provision provides that expedited processing shall be granted regarding: “A matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity which affect public confidence.”

This provision is identical with DOJ FOIA regulation 28 C.F.R. § 16.5(e)(1)(iv), which likewise states that expedited processing shall be granted regarding matters “of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.”

Courts have held that the DOJ Regulation requires the requester to show: (1) that the request involves a “matter of widespread and exceptional media interest” (28 C.F.R. § 16.5(e)(1)(iv)); and (2) that the matter is one “in which there exists possible questions about the integrity of the government that affect public confidence” (*id.*). See *Edmonds v. FBI*, No. 02-cv-1294 (ESH), 2002 WL 32539613, *3 (D.D.C. Dec. 3, 2002). It is not necessary to show “prejudice or a matter of current exigency to the American public.” *Id.*

First, the DOJ Regulation requires showing that the matter about which questions of integrity have been raised is the subject of widespread national media attention. See *Am. Oversight v. DOJ*, 292 F.Supp.3d 501, 507–508 (D.D.C. 2018) (denying motion for expedited processing because general media interest in Solicitor General’s nomination is insufficient to show media interest in possible ethics questions concerning the nomination). There need not be a showing that the disclosure would shed considerable light on agency operations; only that there is “exceptional” and “widespread” media interest. See *CREW v. DOJ*, 870 F.Supp.2d 70, 81 (D.D.C. 2012), *rev’d on other grounds*, 746 F.3d 1082 (D.C. Cir. 2014). While the media interest need be “widespread” and “exceptional” it need not be overwhelming. See *ACLU*, 321 F.Supp.2d at 31–32 (rejecting DOJ’s position that requester’s citation to what the court described as “only a handful of articles” was insufficient to show “widespread and exceptional media interest” because those articles “were published in a variety of publications and repeatedly reference the ongoing national discussion about the Patriot Act and Section 215” (second quotation added)); *Edmonds*, 2002 WL 32539613, at *3 (numerous national newspaper and network television broadcasts concerning whistleblower’s allegations of security lapses in FBI translator program met test).¹⁹

Second, the DOJ Regulation requires showing that “there exists *possible* questions about the government’s integrity that affect public confidence.” *CREW v. DOJ*, 436 F.Supp.3d 354, 361 (D.D.C. 2020) (*quoting* 28 C.F.R. § 16.5(e)(1)(4))

¹⁹ *Cf.* 28 C.F.R. § 16.5(e)(3) (“The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an ‘urgency to inform’ the public on the topic.”).

(emphasis by Court).²⁰ It does not “require the requester to prove wrongdoing by the government in order to obtain documents on an expedited basis.” *Id.* at 362. “The primary way to determine whether such possible questions exist is by examining the state of public coverage of the matter at issue, and whether that coverage surfaces possible ethics issues so potentially significant as to reduce public confidence in governmental institutions.” *Am. Oversight v. DOJ*, 292 F.Supp.3d 501, 508 (D.D.C. 2018). This is not an extraordinarily high bar. *See, e.g., CREW*, 436 F.Supp.3d at 361 (complaint sufficient to survive a motion to dismiss where it alleged Attorney General’s action regarding disclosure of Mueller Report “supported an inference that at best, the Attorney General undertook to frame the public discussion on his own terms, and at worst that he distorted the truth”); *ACLU v. DOJ*, 321 F.Supp.2d 24, 32 (D.D.C. 2004) (allegations in press that Section 215 of the Patriot Act may be unconstitutional and reports that Members of Congress have alleged abuses of Section 215 “implicate[] government integrity” and hence are sufficient to meet test); *Edmonds*, 2002 WL 32539613, at *3–4 (test met where plaintiff alleged security lapses in FBI translators program, national news covered the issue, and two Senators expressed concern regarding “the significant security issues raised by plaintiff’s allegations and the integrity of the FBI”).²¹

2. The facts amply support expedition here. Since the Senate Judiciary Hearing on March 28, 2023, media coverage of Secretary Mayorkas’ response to Senator Cruz has been widespread across multiple national media platforms. *See generally* App. A. Many of these articles criticize Secretary Mayorkas for seemingly being uninformed on the matter of the cartel bracelets, which is one of the most pervasive cartel human smuggling practices at the US-Mexico border. *See* App. A at 1–2, 3–5, 6–9, 10–12, 16–18, 19–22, 23–24, 26–27, 28–29, 32–33, 38–39, 42–43, 46–47, 50–51, 64–65, 75–76, 89–90, 105–106, 109–110, 112–113. Multiple media outlets have covered calls for Mayorkas’ resignation in light of his recent testimony. *Id.* at 4, 8, 10, 17, 21, 26, 31, 42, 46, 50, 63, 74–75. Others have reported renewed calls for the

²⁰ To be sure, this standard does not require expedition of any questions concerning government integrity. *See, e.g., White v. DOJ*, 16 F.4th 539, 544 (7th Cir. 2021) (test not met in case where records sought to cast doubt on requestors’ criminal conviction where requestor claimed he was subject to an elaborate government sting operation).

²¹ DOJ has granted expedition under the DOJ Regulation in a number of circumstances. *See, e.g., CREW v. DOJ*, 870 F.Supp.2d at 81 n. 14 (expedition granted to request seeking records on FBI’s closed investigation of Congressman DeLay for misconduct which did not result in charges, but received considerable media attention (subsequent history omitted)); *CREW v. DOJ*, 820 F.Supp.2d 39, 42, 46 (D.D.C. 2011) (expedition granted to request seeking information concerning possible deletion of Office of Legal Counsel emails where the possible deletion was flagged as a hindrance in an internal investigation, covered in the media, and was the subject of Congressional concerns); *Elec. Frontier Found. v. DOJ*, 565 F.Supp.2d 188, 189–91 (D.D.C. 2008) (expedition granted to request seeking information regarding storage of information obtained by National Security Letters in FBI’s Data Warehouse); *CREW v. DOJ*, No. 05-cv-2078 (EGS), 2006 WL 1518964, *1 (D.D.C. June 1, 2006) (expedition granted to request concerning government’s decision to seek a reduced penalty in tobacco litigation where government’s decision was subject to intensive news coverage and prompted concern from “several Congressman” which caused a request for an Inspector General investigation of “improper political interference” with the decision).

Secretary's impeachment in light of his statements at the hearing. *Id.* at 15, 22, 64, 89–90. Many articles from multiple outlets also relate Mayorkas' testimony at the March 28th Hearing to the border crisis and cartel activity at the US-Mexico border. *Id.* at 19–22, 23–25, 26–27, 50–51, 75–76, 89–90, 112–113. Additionally, Senator Cruz has appeared for several television interviews following the Hearing. *Id.* at 74–76. This Request directly pertains to this media coverage as it seeks records relating to cartel wrist banding practices from Secretary Mayorkas; the very subject matter from the Hearing which resulted in a cascade of media coverage.

This widespread media coverage also necessarily relates to broader coverage criticizing Mayorkas and DHS' handling of the border crisis. Indeed, media coverage criticizing the Department's response to the crisis at the US-Mexico border has been widespread across multiple media outlets since 2021. *See generally* App. E. For example, multiple media outlets have criticized DHS for its attempts to end Title 42, a Trump administration policy which has allowed for the removal of hundreds of thousands of illegal aliens at the US-Mexico border; arguing that ending the policy will result in a surge of illegal border crossings. *Id.* at 15–17, 37–38, 43–44, 53–55, 60–61, 83, 99–100, 107, 117–118, 120–121, 130, 131–132, 153–156, 168, 182–183, 184–189, 193, 227, 240–241, 245–246, 248, 253. Media outlets have similarly reported claims that the Secretary and DHS are negligent in their enforcement of immigration laws or even violate the law. *Id.* at 54, 97–98, 125, 151–152, 171, 178, 190, 192, 195, 197–198, 200–201, 203–204, 206, 208, 213, 215, 218, 221–222, 227, 229–230, 234–235, 236, 238, 240–241, 263–264, 307. Multiple media outlets have also echoed outrage over the Secretary's apparent failure to adequately address cartel activity at the US-Mexico border. *Id.* at 125, 168, 193, 198, 221–222, 243–244, 261, 286–288, 307–308. This media coverage is particularly pertinent to this FOIA request, which also concerns the adequacy of the Secretary's response to cartel activity at the US-Mexico border. Specifically, this request addresses the adequacy of Secretary Mayorkas' response to cartel activity by seeking records related to the cartel's use of wristbands to track migrants. This request also implicates potential negligence by the Secretary and DHS in enforcing immigration law; if the Secretary is unaware of the cartel wrist banding practice, this suggests serious negligence in enforcing immigration law. This request therefore directly relates to media coverage addressing potential negligence by DHS in upholding immigration law and combatting cartel activity.

The matter of whether Secretary Mayorkas is aware of cartel wristband practices at the US-Mexico border raises serious possible issues of the Federal Government's integrity which reduce public confidence in the Federal Government. Namely, public confidence in the Government inevitably suffers when the agency head charged with securing the US-Mexico border is apparently unaware of the human trafficking practices of human smugglers and drug cartels that operate on the border. Public confidence in the Federal Government would also suffer if the Secretary was aware of the cartel wristbands but denied such knowledge while under

oath. Indeed, public confidence in the Federal Government invariably suffers when the public perceives that government officials are dishonest. Widespread and continuous media coverage surrounding a potential impeachment of Secretary Mayorkas likewise ensures that public confidence in the Federal Government would suffer tremendously if the Secretary made a false statement while testifying before Congress. Pre-existing controversy over the potential impeachment of Secretary Mayorkas aptly demonstrates that the Secretary's possible dishonesty while under oath poses grave issues concerning the integrity of the Federal Government.

Numerous statements from lawmakers and media figures on social media further emphasize the serious concerns over the integrity of DHS raised by Mayorkas' recent testimony. *See generally* App. D. In one such statement, Senator Thom Tillis stated "Mayorkas is unfit for office, he should resign." *See* App. D at 1. Likewise, Senator Ted Cruz stated that "Alejandro Mayorkas denied knowing that the colored wristbands found at the border correspond to how much each illegal alien owes the cartel. Tragically, each child who is trafficked pays back the cartel through slavery or drug dealing. This is on the Biden administration." *Id.* One Fox News contributor expressed disbelief at Sec. Mayorkas' testimony, stating "How can @DHSgov Mayorkas be so clueless ? I exposed those bracelets live on the air more than a year ago on @seanhannity show - everyone who knows anything about the border knows about these cartel bracelets." *Id.* at 2. Another journalist, Bill Melugin, expressed similar disbelief: "That is remarkable, if true. At popular crossing areas in the RGV, you'll find them discarded by the hundreds on US side." *Id.* Guy Benson, another major media figure, likewise stated "How is it possible that Mayorkas has never heard of the cartel/trafficking \$\$\$ bracelets? They were *everywhere* along the border when I visited." *Id.* at 1. This request addresses these serious possible issues of DHS' integrity which would undermine public confidence in the Federal Government by seeking records from Mayorkas' email related to the cartel practice of wrist banding migrants. This information will reveal the extent of the Secretary's knowledge of this practice, and therefore answer critical questions concerning the Secretary's handling of the ongoing border crisis as well as the Secretary's honesty in his testimony to Congress. Expedition is warranted.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at Reporter2023@proton.me.

Sincerely,

Kim Lain
Investigative Columnist
The Daily Signal