

DHS Watchdog Failed to Sound Alarm For Months on Secret Service's...

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(Photo: [USMEPCOM](https://www.usmeecom.com); Getty Images; Illustration: Leslie Garvey / POGO)

Nine months ago, the Department of Homeland Security's (DHS) top watchdog declined to take decisive action to force the Secret Service to produce records relating to January 6, a congressional source and a recently departed employee of the watchdog office told the Project On Government Oversight (POGO). The former employee requested they not be named due to the sensitivity of the matter.

Indeed, it was only last week that DHS Inspector General Joseph Cuffari finally wrote a letter to Congress informing them that the Secret Service had erased text messages. That letter notably failed to make any mention of the fact that Cuffari had long been aware of the problem as the Secret Service had confirmed to his office in February that the texts were lost. He had also considered issuing a detailed, public, six-page, so-called "management alert" about acute problems accessing the texts and other Secret Service records, before apparently deciding that such a crucial warning was unnecessary. As a result of his decision,

the January 6 committee and the country were kept in the dark until the last minute about the apparent purging of texts that could have shed light on one of the most contentious days in recent American history.

Last October, after months of wrangling with the Secret Service and other parts of DHS to obtain January 6-related records, career watchdog staff drafted a management alert detailing the access problems. The alert would have been public had it been approved, sources say, in line with other alerts.

But Inspector General Cuffari ultimately rejected sending the alert, sources say, although he raised the issue with DHS Secretary Alejandro Mayorkas.

“As a result of Cuffari's decision, the January 6 committee and the country were kept in the dark until the last minute about the apparent purging of texts.”

The [most recent public alert](#) by Cuffari's office was a warning about a seemingly far less significant matter: that the Federal Emergency Management Agency was reimbursing applicants for ineligible pandemic-related funeral expenses, which his office described as an “urgent issue that requires immediate attention and action.”

An alert on accessing records would have been in no way unprecedented: In 2017, a previous DHS inspector general issued a [management alert](#) about access problems at the Transportation Security Administration.

When the alert was being considered last fall, the inspector general's office did not know texts had been permanently lost, only that they were facing hurdles in accessing them, along with other records, namely emails. In May 2021, the Secret Service told Cuffari's office that certain text messages were “unavailable,” according to two congressional sources who declined to be named because they are not authorized to speak to the press. One congressional staffer briefed by the inspector general's office said the Secret Service did not confirm that “unavailable” meant permanently deleted until February 2022. That was over four months ago.

The new revelations shed light on the department's top watchdog's lack of aggressiveness as well as the Secret Service's roadblocks to oversight. Those roadblocks are in the way of getting answers to important questions regarding what it knew about President Donald Trump's behavior leading up to and on January 6.

The impasse over the records could have been addressed much earlier had Cuffari taken more active steps to publicize the problems months ago.

“Could the text messages have been saved had Cuffari spoken up earlier?”

It could take some time for forensic experts to try to find and extract the data, if that’s even possible — and time is running out on the January 6 committee, which will likely be shuttered at the end of the year if Republicans take the House in November, as widely expected.

In 2018, it took the Justice Department Office of Inspector General [several months](#) to undertake the forensic examination of four FBI phones that were not properly backed up — but that effort paid off with the recovery of thousands of texts. It’s not clear if Cuffari has ever requested physical possession of the Secret Service’s phones or an inventory record of where they’re located.

“Could the text messages have been saved had Cuffari spoken up earlier?” the recently departed inspector general employee told POGO.

A DHS Office of Inspector General spokesperson did not answer POGO’s questions. The spokesperson stated that “our concerns were validated by USSS’s [U.S. Secret Service’s] recent response to the January 6 Select Committee’s subpoena.”

“Erased”



The first clear public statement that records were lost came in a one-page letter Cuffari sent to Congress on July 13, 2022, which was [first reported by *The Intercept*](#). It contained the explosive allegation that the Secret Service “erased” texts from January 5 and 6, 2021, because of a pre-planned agency data migration impacting its phones. The inspector general’s office sought texts sent or received by [24 Secret Service employees](#).

The Secret Service [issued a denial](#), stating that “none of the texts [the inspector general] was seeking had been lost in the migration” even though it said other, unspecified data on some phones were lost. The Secret Service declined to answer POGO’s questions and referred POGO to the inspector general’s office.

Things moved rapidly once Cuffari sent his letter to Congress — underscoring the power of transparency.

Two days after his letter, the January 6 committee met with Cuffari and then subpoenaed the Secret Service (Cuffari could have also issued a subpoena for the records, a [power held](#) by federal inspectors general).

The Secret Service responded on Tuesday that it had no new texts to provide to the committee or to Cuffari’s office beyond what it has already released. Cuffari’s letter also prompted the National Archives to request that the Secret Service investigate the “[potential unauthorized deletion](#)” of text messages.

A Secret Service official said in a [letter to Congress](#) obtained by CNN that the agency will try to recover the texts, but its spokesman told the *New York Times* [he is doubtful](#) these attempts will be successful.

What Does the Secret Service Know?



The Secret Service said in a statement that its data migration had nothing to do with the inspector general's requests for records, disputing an "insinuation" in Cuffari's statement that the deletion occurred "after" his office made a request. The service pointed to the inspector general's first request for records on February 26, 2021, after the migration had already begun.

But there was an official request that came before the deletions. On January 16, 2021, before the Secret Service deleted the texts, four House committee chairs [sent a letter](#) to the Department of Homeland Security and other agencies seeking "all documents or materials that refer or relate to events that could or ultimately did transpire on January 6, or refer or relate to threats in connection with the U.S. presidential inauguration." The Secret Service's texts were [deleted on January 27](#).

According to the [Washington Post](#), Secret Service agents were expected to back up text messages about government business, but many appear not to.

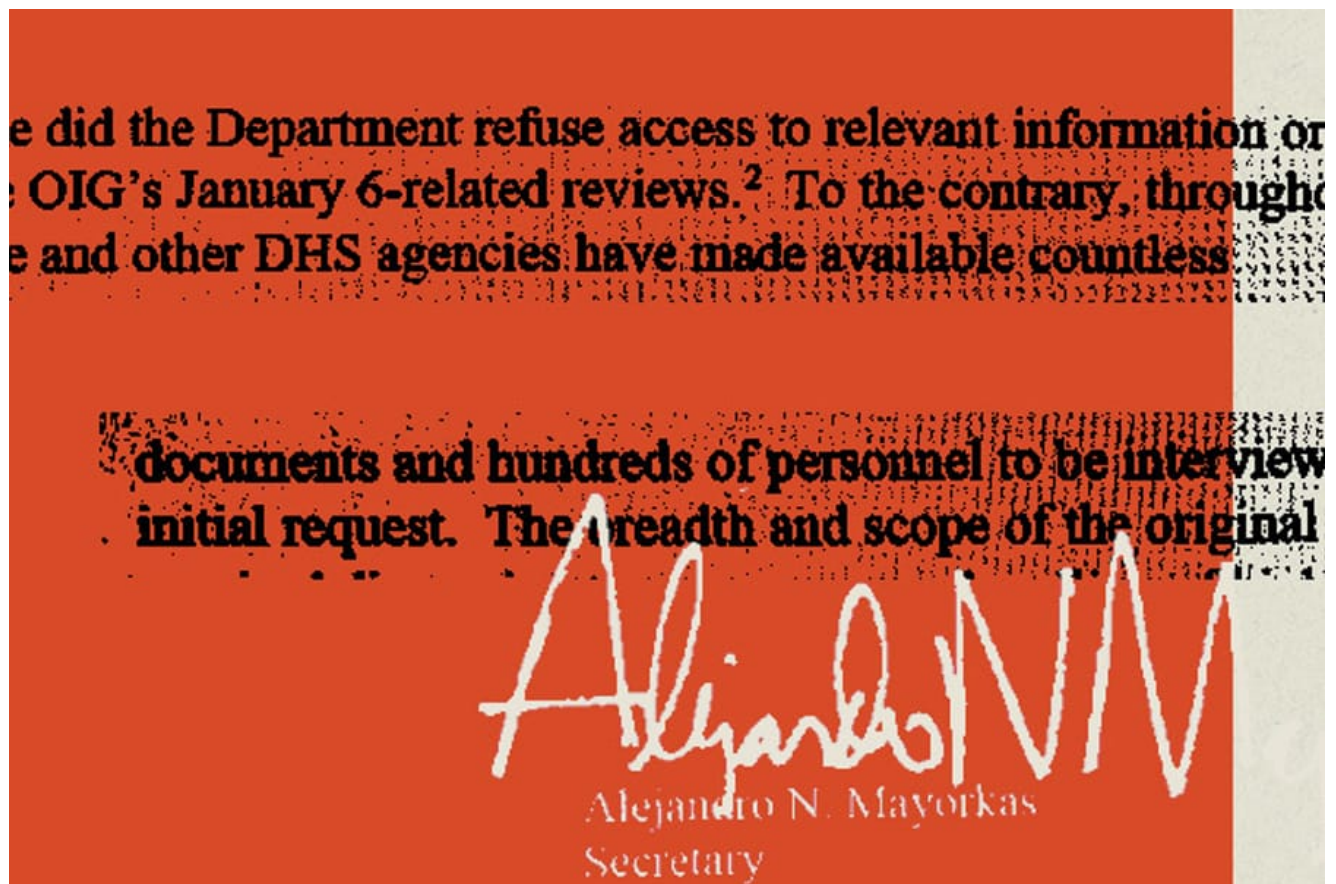
It's possible that the deleted texts could have shed light on testimony by former Trump aide Cassidy Hutchinson regarding Trump's statements and actions in the lead-up to and on the day of the attack on the Capitol by violent Trump supporters.

She [testified under oath](#) about claims she attributed to a Secret Service official named Anthony Ornato, who, in an unprecedented arrangement, took a leave of absence from the service to serve as Trump's deputy chief of staff for operations. She says he told her that Trump tried to physically wrest control of the presidential SUV's steering wheel from his Secret Service driver to join marchers descending on the Capitol on January 6.

She also testified that Ornato said that Trump lunged toward another Secret Service agent named Bobby Engel who tried to stop Trump from taking control of the SUV from the driver.

Citing unnamed sources familiar with Ornato, Engel, and the driver's views, [news outlets have reported](#) that they would [deny Hutchinson's account](#) if they testify. Trump has denied the allegations.

A Long-Running Dispute



Although the Secret Service is not mentioned, the first public surfacing of the problems came last November in an [inspector general semiannual report](#), which are issued twice a year. A brief passage highlights DHS Secretary Alejandro Mayorkas's role in facilitating the watchdog's access to certain records.

The semiannual report states that “the Department significantly delayed OIG’s access to Department records, thereby impeding the progress of OIG’s review of the January 6 events at the Capitol.” However, “on September 30, 2021, Secretary Mayorkas issued a reminder to all Department personnel about OIG access. Shortly thereafter, OIG began receiving responsive records,” states the report.

In much greater detail, the six-page draft management alert similarly raised issues with the broader problem of access to DHS records related to January 6, but unlike the semiannual report it also specifically described problems with the Secret Service, a congressional source told POGO.

A [November 29, 2021, letter](#) from Mayorkas to Congress transmitting the semiannual report denied that records were being “restricted” by the department. “The Secret Service and other DHS agencies have made available countless documents and hundreds of personnel to be interviewed by the OIG, often within days of an initial request,” Mayorkas wrote in the previously unreported letter obtained by POGO.

“This is not the first time Cuffari has slow-walked taking critical actions during time-sensitive reviews.”

Despite the messages from Mayorkas and Cuffari’s office, the problem was not fully resolved, although Mayorkas’s [memo](#) helped the inspector general access Secret Service emails, sources say.

The newest semiannual report by Cuffari’s office that was [published](#) on June 14 noted Secret Service access issues but did not state that any texts were “erased,” as Cuffari’s letter last week said, even though his office knew records were deleted permanently in February.

“During the previous reporting period, we included information about Secret Service’s significant delay of OIG’s access to Secret Service records, impeding the progress of our January 6, 2021, review. We continue to discuss this issue with Secret Service,” the semiannual report stated. (The “previous reporting period” is a reference to the November semiannual report that did not explicitly mention the Secret Service delaying records.)

Two weeks later, on June 28, Cassidy Hutchinson testified before the January 6 Committee — which brought widespread public interest in what the Secret Service knows.

Slow to Act



This is not the first time Cuffari has slow-walked taking critical actions during time-sensitive reviews. Cuffari let a report filled with [disturbing findings regarding sexual misconduct](#) within DHS languish for more than a year without publicizing its findings. He recently wrote to Congress that he may not issue it because it is based on information that is now years old. Senators Dick Durbin (D-IL) and Chuck Grassley (R-IA), the chair and ranking member of the Senate Judiciary Committee, recently asked Cuffari questions about this, giving Cuffari a [July 15 deadline](#). Cuffari's office successfully sought a deadline extension.

POGO has [previously reported](#) Cuffari's reluctance to have his career staff interview key officials in a review examining what senior officials knew about Border Patrol employee participation in a Facebook group rife with racist and sexist messages. A top official resigned before investigators were able to interview him.

And in at least two instances prior to January 6, Cuffari shut down efforts to conduct oversight of the Secret Service.

POGO revealed that Cuffari [rejected career staff proposals](#) to review the Secret Service after its involvement in the violent June 2020 dispersal of largely peaceful anti-racism protestors in Lafayette Square shortly before a nearby photo op by Trump. Cuffari also did not pursue a proposal by his staff to examine Secret Service COVID protocols at a time when Trump was criticized for putting Secret Service employees at risk because he would not wear masks in close quarters before a vaccine was available.