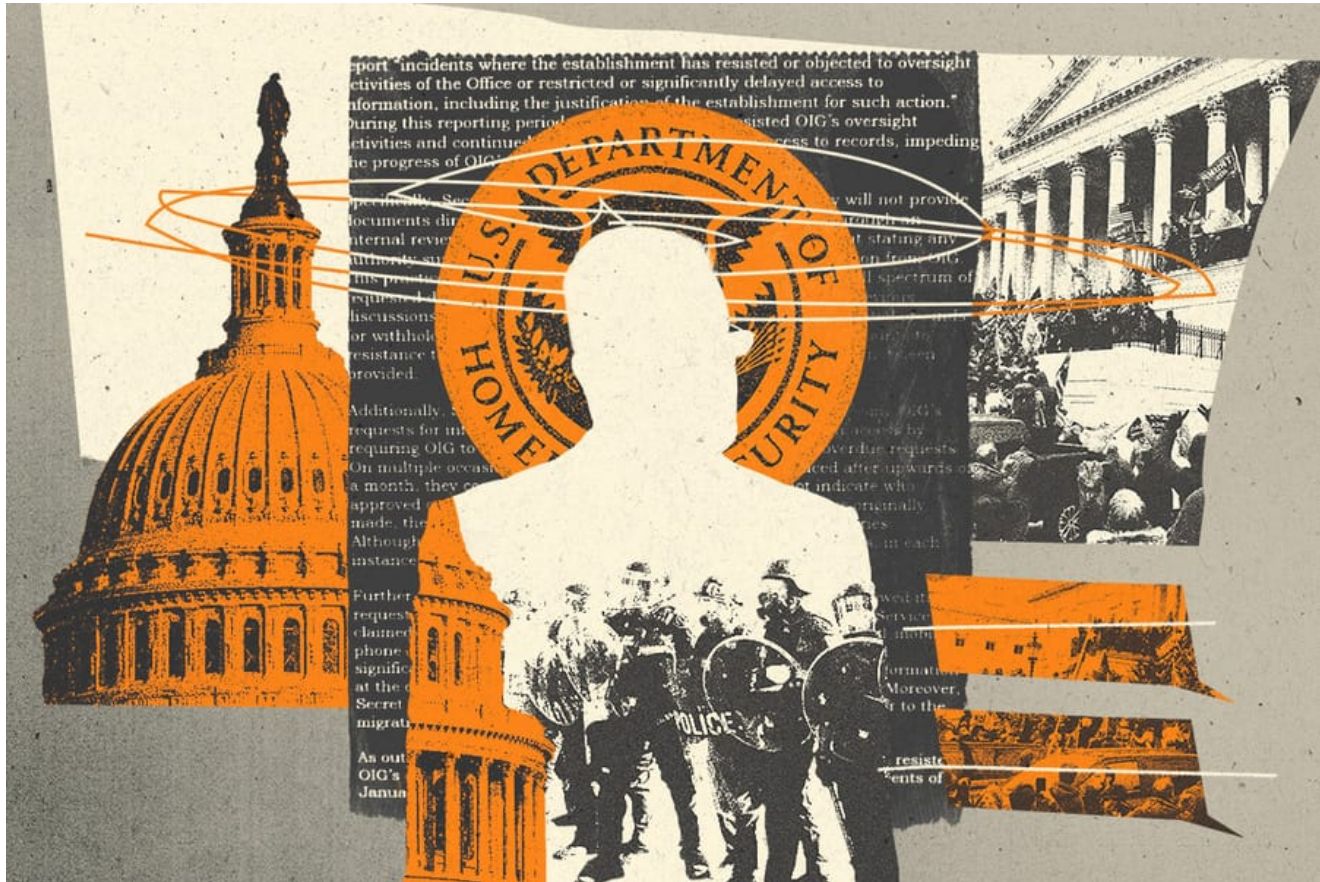


DHS Watchdog Nixed Alert to Congress About Purged January 6 Texts,...

www.pogo.org/investigations/dhs-watchdog-nixed-alert-to-congress-about-purged-january-6-texts-new-docs-show



(Illustration: Renzo Velez / POGO)

On April 1, attorneys working in the Department of Homeland Security's Office of Inspector General [approved five detailed paragraphs](#) of language that would have alerted Congress to the Secret Service's deletion of texts related to January 6, according to new documents obtained by the Project On Government Oversight (POGO) and congressional staffers on multiple committees.

Alerts & Updates

Yet Inspector General Joseph Cuffari never sent this detailed alert. Instead, the records show that Cuffari not only failed to alert Congress in a timely way about the erased texts, but failed to adopt his staff's explicit recommendations that he do so.

His office had known of the missing texts for weeks, if not longer, at this point. According to a key paragraph of [the April 1 alert](#), which is not public and appears for the first time here:

On February 23, 2022—more than 2 months after OIG renewed its requests for select Secret Service employees' text messages—Secret Service claimed inability to extract text message content due to an April 2021 mobile phone system migration, which wiped all data.

That unsent paragraph continues:

Secret Service caused significant delay by not clearly communicating this highly relevant information at the outset of its exchanges with OIG during this reporting period. Moreover, Secret Service has not explained why it did not preserve the texts prior to the migration.

Career staff across several DHS Office of Inspector General teams working on January 6 reviews — including the watchdog's own Office of Counsel — approved the detailed language. On April 1, it was sent to an office run by Inspector General Joseph Cuffari's chief of staff, Kristen Fredricks. Fredricks, along with Cuffari's top deputy, had been embroiled in

an earlier, previously unreported controversy involving the failure to notify hundreds of victims of a privacy data breach at the Social Security Administration, as well as alleged retaliation. The language about the deleted Secret Service texts was bottled up and never published after it was sent to Fredricks' office.

The April 1 paragraphs were intended for inclusion in a public report that was eventually sent to Congress this summer, a document obtained by POGO shows. That report is legally required to disclose when an agency “has resisted or objected to oversight activities” or “restricted or significantly delayed access to information.”

But instead of the five paragraphs informing lawmakers that the Secret Service had purged texts, the June report contained only two sentences about delayed access to Secret Service records and the January 6 review, and neither mentioned that the agency had admitted to erasing the messages.

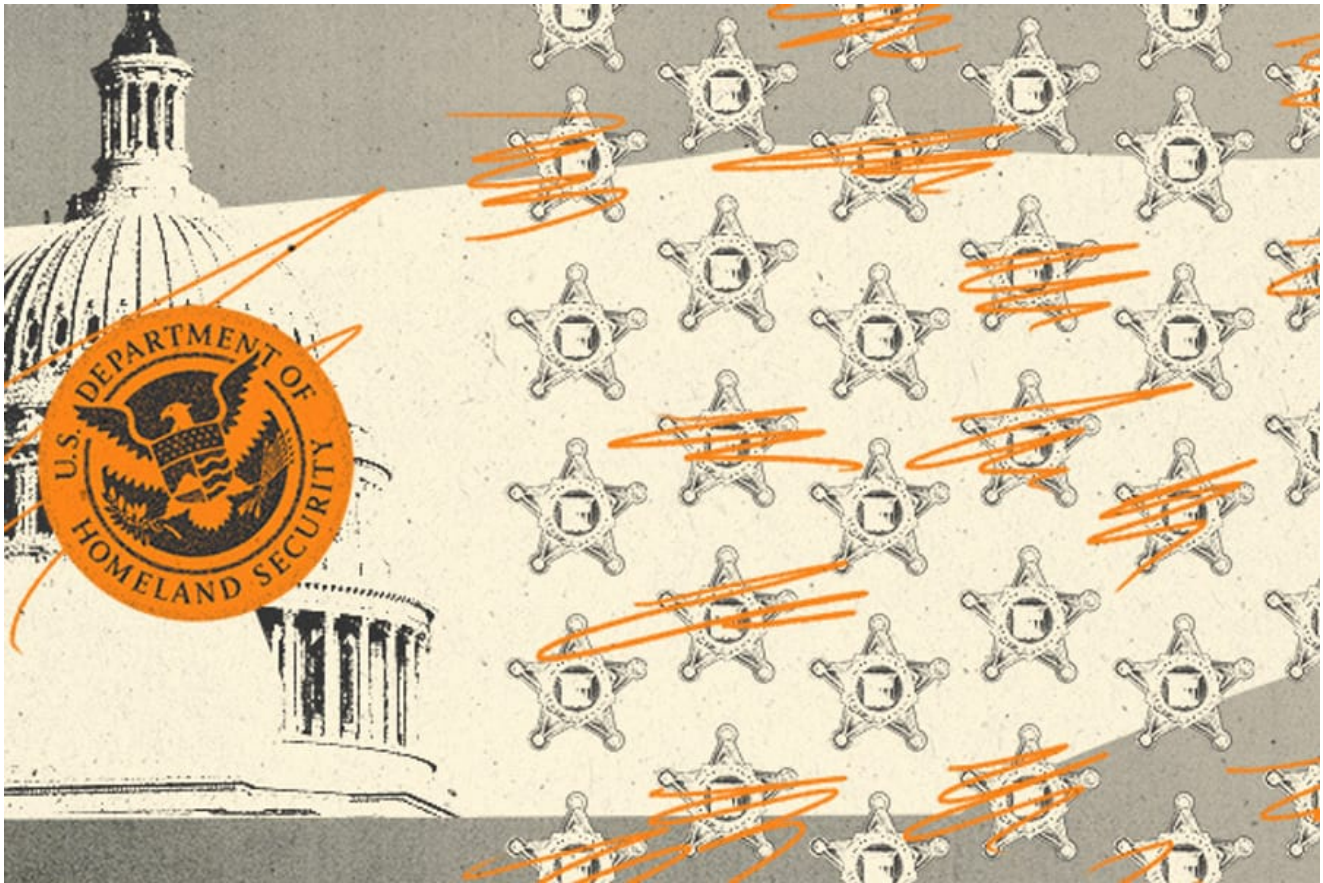
The alert could also have been sent even earlier than June at Cuffari's discretion, given that the Inspector General Act gives him the power to inform Congress about serious problems at any time, say sources familiar with the matter but who are not authorized to speak to the press.

Instead, another month would go by before [Cuffari told Congress](#) that the Secret Service had “erased” texts. That information came in a one-page letter, on July 13, sent many months after Cuffari's office knew the texts were deleted — yet offering Congress far less detail than the earlier, unsent April 1 language.

The July 13 notice appeared a few weeks after former Trump White House staffer Cassidy Hutchinson's explosive testimony describing then-President Donald Trump's behavior before and on January 6. Her account partially relies on what Secret Service officials allegedly told her. One of them is Tony Ornato, who — in an unprecedented arrangement — was on leave from the agency to serve as a political aide to Trump. Some of the agents, through unnamed sources, have denied Hutchinson's sworn testimony. The missing texts could potentially corroborate or disprove her statements.

The Department of Homeland Security Office of Inspector General did not respond to a request for comment by the time of publication.

A Pattern



The new records show a pattern of Cuffari repeatedly rejecting proposals to inform Congress about the Secret Service's resistance to oversight.

Earlier [reporting by POGO](#) found that Cuffari had also declined to inform Congress in the fall of 2021 about the Secret Service's stonewalling access to information related to January 6, despite extensive efforts by multiple attorneys in his office to produce a detailed, six-page management alert about the problem. Before that, in 2020, [Cuffari rejected staff recommendations](#) to review the Secret Service's use of force at Lafayette Square in June of that year and its adherence to COVID protocols as numerous agents fell ill, along with Trump.

POGO also recently obtained documentation that shows Cuffari's office never told Congress it had known about [then-Acting DHS Secretary Chad Wolf and then-Acting DHS Deputy Secretary Ken Cuccinelli's deleted texts for over five months](#).

The *Washington Post* recently revealed that, in February, [senior officials in Cuffari's office called off collecting January 6-related messages](#) from department phones and rejected a staff proposal to inform all of DHS that the inspector general's office could help extract such text messages from them.

The revelations have undermined the accounts provided by Cuffari and his aides regarding how he has managed his office's investigations of January 6. Referring to news accounts, including POGO's, Senator Gary Peters (D-MI), chair of the Senate homeland security committee, [wrote yesterday](#) to Cuffari that "These are serious allegations and diverge from the information that you previously provided me and my team."

The House oversight and homeland security committees have also begun looking into these decisions — and [recently requested](#) that Cuffari's chief of staff, Kristen Fredricks, and another senior official appear for transcribed interviews to answer questions regarding the handling of the Office of Inspector General's reviews of January 6. It remains unclear at this time whether those questions will require Fredricks to give a detailed account of her own personal role.

“The new records show a pattern of Cuffari repeatedly rejecting proposals to inform Congress about the Secret Service’s resistance to oversight.”

Indeed, the growing furor over Cuffari's conduct in office has provoked calls for his recusal from the probe into missing Secret Service texts. Critics including POGO have publicly asked President Biden to remove Cuffari from office because of how he has handled several high-profile matters.

Recent reporting shows that questions about the inspector general's credibility as a watchdog official are not new. Last week, a 2013 report emerged showing that investigators [did not believe](#) the explanations Cuffari provided interviewers during a probe that found he violated ethical standards in his last federal job.

He painted a different picture for the Senate in 2019 when it was considering his nomination. "I answered the IG staff's questions truthfully and completely," Cuffari wrote of the 2013 investigation. "No adverse action was proposed against me."

Findings such as those outlined in the 2013 report typically would result in discipline for a federal employee, however, he [resigned from that federal position](#) weeks after the investigative report was finished.

Despite the drumbeat of criticism, Cuffari seems to show no sign he will leave office on his own accord.

On July 29, Cuffari issued a cheery bulletin to staff marking his third anniversary as DHS inspector general. “Thank you for the past three years,” he wrote. “I look forward to many more to come!”

Resistance to Oversight



Not only was Cuffari’s July 13 letter to Congress too late, it contained far too little. The one-page notice also wrongly implied that only texts from January 5 and 6, 2021 were erased.

This error was not in the April 1, 2022, language that DHS inspector general attorneys had previously approved. In fact, sources say, the missing Secret Service texts actually cover January 1-8, 2021, not just January 5 and 6.

The rejected April 1 language provided many other details about the Secret Service’s resistance to oversight, as well, several of which are missing from Cuffari’s later July 13 notice.

“Secret Service interviewees regularly indicate they will not provide documents directly to OIG without the documents first going through an internal review,” the rejected language notes. “Secret Service implemented this process without stating any authority supporting delaying or withholding requested information from OIG.”

“This practice leaves unclear whether OIG has received the full spectrum of requested documents,” the April language says. “Such a posture amounts to resistance to OIG’s oversight activities, for which justification has not been provided.”

“Additionally, Secret Service does not identify the reviewers processing OIG’s requests for information, which significantly delays information access by requiring OIG to take additional steps when following up on overdue requests,” the language states. “On multiple occasions, when documents were finally produced after upwards of a month, they contained redactions.”

“Secret Service did not indicate who approved or applied the redactions or why such redactions were originally made, thereby requiring OIG to waste valuable time making inquiries. Although OIG’s follow-up eventually yielded unredacted documents, in each instance these hurdles regularly resulted in avoidable delay.”

A Data Breach, An Earlier Failure to Disclose, and Alleged Retaliation



When Cuffari finally issued the threadbare alert to Congress in his one-page July 13, 2022 letter, the alert specifically steered any queries about the matter to Kristen Fredricks.

Congressional staff say Fredricks has been their main point of contact with Cuffari on the January 6 reviews and other matters.

And, like her boss, Fredricks brings a history of controversy to her role. Yet serious and previously unreported questions about her past in a prior job at the Social Security Administration have not kept her from ascending to a senior position within the DHS watchdog office.

“And, like her boss, Fredricks brings a history of controversy to her role.”

The controversy started nearly a decade ago, when a Social Security Administration employee in Atlanta breached a complaints database filled with personally identifiable information pertaining to 561 people who had alleged discrimination and civil rights violations.

Upon learning of this breach, several Social Security Administration employees pressed management to alert the victims.

One of the employees who advocated warning victims is an administrative law judge named McArthur Allen, who has since left the Social Security Administration and now works in the Department of Health and Human Services.

Social Security Administration management rejected notifying victims and later reassigned the employees who had recommended doing so. During this time, Fredricks served in a role advising the Social Security Administration on disciplining employees.

In October 2015, after an investigation into the data breach controversy had begun, Fredricks was moved from the Social Security Administration to its Office of Inspector General, where she worked in its counsel's office.

Her transfer to the Social Security inspector general's office became a point of contention during an investigation of the privacy breach.

Allen told Social Security watchdog staff that he was “concerned that Fredricks now works for the OIG,” according to a [public investigative report](#). “Judge Allen said that he fears retaliation from Fredricks, in addition to other managers/supervisors because of his involvement with this investigation.”

In a footnote to Allen's remarks, the report states that Fredricks, despite working in the inspector general's office, would not be involved in investigating the data breach affair.

The investigation into the data breach wrapped up years ago with the Social Security Administration arguing [“that the breach did not need to be reported under agency policy.”](#)

But Fredricks also remains the subject of a long-running, active, and previously unreported whistleblower retaliation probe related to the affair that is currently being conducted by the Social Security Administration Office of Inspector General, according to two sources familiar with the matter. It is unclear if Cuffari is aware of the active retaliation investigation into Fredricks.

By November 2019, the Social Security Administration watchdog had [detailed Fredricks to Cuffari's office](#).

Allen's attorney, Morris E. Fischer, said his client declined to comment out of a continuing fear of retaliation. But Fischer himself reacted to Fredricks' ascent within the inspector general community. "Don't these people get vetted?" he asked.

Fredricks and both the Social Security Administration and DHS offices of inspectors general did not respond to a request for comment by the time of publication.

Cuffari's Inner Circle



Since she came to Cuffari's office in November 2019, Fredricks has been joined by others involved in the Social Security data breach affair who now work in Cuffari's "front office" — a term often used in the federal government to refer to an agency's leadership team.

About a year into her tenure, in November 2020, Cuffari announced that Fredricks was now his chief of staff and a permanent DHS watchdog employee. In that [same emailed announcement](#), he also welcomed Glenn Sklar as his new deputy inspector general, citing Sklar's experience at the Social Security Administration, at its watchdog office, and elsewhere in government.

The email did not reveal anything about the data breach controversy or Sklar's allegedly key role in it.

One Social Security employee told investigators that Sklar was among five officials who did not inform victims about the data breach. In addition, the same employee said Sklar was among a small circle of individuals who made the decision to have McArthur Allen and two of his colleagues — who had also been raising concerns about the compromised data — clear out their offices. (Another member of that small circle also now works for Cuffari.)

Sklar did not respond to a request for comment made through the DHS inspector general's office.

Sklar and Fredricks are now key liaisons with Capitol Hill when Congress has questions, and Fredricks has emerged as Cuffari's chief spokesperson when dealing with media, sources say.

During a July 15 phone briefing with numerous congressional staff from multiple committees, sources say, Sklar told staffers the July 13 notification to Congress about the Secret Service's texts followed normal procedure.

But the revelation that Cuffari and his leadership rejected the well-vetted April 1 alert language casts doubt on Sklar's account, as others inside the watchdog's office felt strongly that Congress should have been notified far earlier.