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CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS  
HOUSE COMMITTEE ON THE JUDICIARY  
COMMITTEE STATEMENT  
AUTHORIZATION OF SUBPOENAS  
JULY 11, 2019 – 10:00 AM  
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- I thank the Chairman for yielding. I rise in strong support of the House Judiciary Committee's decision to authorize certain subpoenas related to immigration and possible presidential misconduct, including obstruction of justice.
- Our system of government is premised on three separate and co-equal branches.
- Each are charged with unique responsibilities.
- Consistent with our responsibility to serve as the people's chamber, the House of Representatives is the one institution—since the founding of our republic—to constitute its members through direct democracy, by and through the vote of the people.
- As part of our charge, this body has historically conducted oversight over the coordinate branches of government so as to ensure that that which is authorized and appropriated is administered appropriately.

- **But, with the dawn of the current presidential administration and the current occupant in the White House, we are seeing a threat to this order.**
- And, we are seeing it in **two distinct areas** which have both caused considerable concern from those who care about right and wrong, how we treat the most vulnerable in the world, and about our reputation as adhering to the rule of law.
- **Sadly, because this president and his administration have engaged in a pervasive pattern of obstructing meaningful and legitimate requests for oversight, this committee considers compulsory process.**
- This has **ranged from directing current and former administration to assert specious and untenable claims for privilege and immunity, to wholesale dictates to ignore routine requests at oversight, such as appearances before relevant committees of jurisdiction.**
- Accordingly, the House Judiciary Committee has no choice but to **authorize compulsory process** and as a senior member of this committee, I support this decision.

### Immigration Subpoenas

- The first area in which the House must resort to compulsory process is the **humanitarian crisis** occurring at our southern border.
- Since last year, the country has been **horrified to learn that migrant children are being separated from their parents** at the southern border.
- Countless child psychologists and social psychologists have spoken to the long term and the irreparable harm that can occur as a result of this practice.

- As the days have turned into weeks, the months into years and now as we are over one year into this horrific practice, the details of what has **occurred in our name** is no more encouraging.
- **I was at the southern border just three days ago.**
- Outside of a facility in El Paso, **I accused the Department of Homeland Security of a cover-up because, as a senior member of the House Homeland Security Committee since the inception of that committee after 9/11, I was initially not permitted entry immediately.**
- Subsequently, I was invited to return. However, when I was invited to return, I was already in Mexico, meeting with those migrants learning about the Trump Administration's failed "wait-at-the-Mexican-Border." The migrants were without resources and dependent on the help of good Samaritans, not the Mexican government.
- While this administration can choose to propagate this cover up, various news reports and non-governmental entities have added context to these issues, and restated the incredible damage being done.
- The toll on the children implicated in this matter is **especially acute.**
- **Just this week, we have received word that children are being sexually abused in a detention center in Arizona.**
- Other news report suggest that ICE has started **using three new for-profit immigration detention centers** in the Deep South in recent weeks.
- One of them has seen the death of three inmates following poor medical treatment and a violent riot in 2012 that left a guard dead.

- We have heard heartbreaking stories about the plight many migrants are facing.
- *We know of the immigrant who was deported to Mexico, a country he left when he was three years old, only to be murdered by gang violence just three weeks after his forced return; we know of the young mother, separated from her children at the border, left to wonder about their fate, safety, future, and whether she would ever see them again; in my home state of Texas, a migrant who was separated from his family committed suicide while in federal detention; and, a mother who, while breastfeeding her young child when both were in federal detention, had her child ripped away from her arms.*
- This cannot be how we make America great again.
- This is how we make America hateful.
- Indeed, **because of the long border we share with Mexico, Texas bore witness** to some especially heinous, inhumane and anti-family actions.
- We learned of news that the Trump administration is seeking to build a tent city at Fort Bliss for the purpose of housing children separated from their parents.
- We have heard not just that children are being separated, indeed we have all heard of the **horrific conditions in which these children are held.**
- **Children as young as 7 and 8, many of them wearing clothes caked with snot and tears, are caring for infants they've just met, the lawyers said.**

- Toddlers without diapers are relieving themselves in their pants.
- Teenage mothers are wearing clothes stained with breast milk.
- *Most of the young detainees have not been able to shower or wash their clothes since they arrived at the facility.*
- **They have no access to toothbrushes, toothpaste or soap.**
- Moreover, there have been credible reports that those charged with protecting the children have **spent an appreciable amount of time mocking members of Congress**, and especially mocking those charged with oversight.
- There are reports that current and former agents of **Customs and Border Patrol were members of a secret group on Facebook, in which the participants discussed throwing burritos at visiting members of Congress, joking in profane language about the deaths of migrants, and even posting a vulgar illustration of a visiting member of Congress engaged in a sexual act with a detained migrant.**
- And, when the depravity of the situation at our border was ascertained, and wrongness of the conduct of those charged with protecting our borders was made clear, the president urged acting secretary of the DHS to close the border to migrants, despite saying he was delaying the decision for a year.
- **The New York Times reported that Trump told Acting Secretary McAleenan that he would pardon him if he**

**encountered any legal problems as a result of taking the action.**

- **The New York Times reports that the conversation is said to have alarmed DHS officials who were told of it.**
- **Against these shocking allegations, we have been thwarted in our legitimate, lawful requests for oversight.**
- This is unconscionable, especially given the fact this horrendous policy is being implemented in our name.
- **It is clear that this president has no regard for legitimate oversight.**
- **Which is why the need for this subpoena of his practice of separating children from parents requires oversight; the conditions in which they are held requires oversight; and the attempts to cover up that conduct requires oversight.**
- The authorization authorizes subpoenas for information related to the detention or short-term custody of children and or families by the Trump Administration
- **The administration dumped thousands of pages of documents on the Committee in the days leading up to February 26<sup>th</sup> hearing on immigration and detention.**
  - Within those pages were reports of incidents of sexual assault and misconduct.
  - ***Those incidents included 154 staff-on-minor allegations of sexual assault.***
  - And now this week, NBC reported new allegations against Customs and Border Protection agents.

- A 6-year-old boy alleged that the sleeping mats were removed from his cell after he complained about the drinking water.
- As I mentioned above, a 15-year-old girl alleged that she was sexual assaulted by a CPP officer when he groped her in what was meant to be a routine pat down.
- While some of these incidents are reportedly under investigation by DHS's officer of inspector general, they demand full congressional oversight and swift accountability.
- We cannot standby and think that the Inspector General will just simply handle it.
- **The growing number of deaths of young children underscore the need for oversight of the Administration's immigration policies.**
- **The Committee has a responsibility to investigate the Administration's family separation and detention policies, the longstanding damage these policies may have on families and children, and the possible misuse of presidential authority to cover-up misconduct by Administration officials and personnel working on the border or in detention facilities.**
- I would note one other fact before moving towards the second topic of the authorization of the subpoenas.
- The Republican party controlled all levers of our federal government—the House, the Senate and the Presidency.
- During that time, no efforts were made at passing comprehensive immigration reform—an effort which could have included border security and asylum controls.

- And, indeed, Republicans in the House of Representatives had an opportunity to pass immigration reform after a version emerged from the Senate with two-thirds support of that body.
- Instead, relying on an internal GOP caucus rule, House Republicans refused to bring it forward for a vote.
- And, it is important for us to come to terms with the fact that our nation is committing government-sanctioned child abuse. And for this point, I would like to illustrate a story: earlier this year, there was a family that was charged with abusing and imprisoning their children. They only allowed their children to eat once a day, and to shower infrequently. Those parents are now spending life in prison.
- Today the Department of Homeland Security is imprisoning children and crowded cells for extended periods of time without adequate food, supervision, medical attention, or access to basic hygiene needs like soap, toothpaste, or toothbrushes.
- Children are suffering from the flu, chicken pox, and the measles.
- A child would normally be removed from these conditions and the parents would be arrested.
- The Department of Homeland Security says that they don't have the money to treat the children better.
- Before we left for the Fourth of July recess, the Congress provided \$4.6 billion to address the humanitarian crisis at the border and specifically said that the money could not be spent to build additional detention centers.
- The House was prepared to do more.
- The House amendment to the Senate bill would have reshuffled funding — adding money for humanitarian and processing



needs, subtracting money from ICE and strengthening safeguards for children in government custody.

- The amendment offered by Democrats in the House included 10 significant tweaks, some that included stricter oversight of the standards in which migrant children are detained.
- It would take away money for ICE and military operations at the border, but would add \$200 million for a multi-agency pilot program “which is culturally, linguistically and religiously appropriate for children and families,” based on recommendations from the United Nations High Commissioner for Refugees.
- Ultimately, there was insufficient support for the House version, and the Senate version was ratified by the House.
- The DHS is expanding for-profit immigration detention centers in states far from our southern border.
- DHS found money to expand for-profit detention centers. But somehow they don’t have money to buy soap, toothbrushes, and medical attention for children.
- John Kelly, President Trump’s former Chief of Staff and Secretary of Homeland Security during the family separation and pilot program now serves on the board of the company that was handed a \$341 million no-bid contract to run a homestead center as a detention center for children.
- The company that runs the center charges \$775 per day per child, yet children in detention have access to only the most basic services and oftentimes not even that
- More than 2500 children were separated from their families under the administration’s zero tolerance policy.

- The administration said that the policy was ended, but it was not ended.
- Children are still being separated from grandparents, aunts, uncles, and siblings.
- The administration must break up this policy.
- This is about punishing children and families so the administration can send a message back to the members of Central American countries to not come to the United States.
- CPP agents don't have adequate training to determine whether a child is abused, and there are no clear standards of what criminal convictions constituted danger to a child.
- There is no due process and no judge to determine the best interests for children at the border
- We are using law enforcement to address a humanitarian crisis.
- For these reasons, and as a senior member of the House Judiciary Committee, I therefore support the Committee's authorization for subpoenas on this matter.

### **Subpoenas for Mueller Related Issues**

- Of course **the need for compulsory process is not limited to the current administration's horrific practice of separating children from their parents, detaining them in unconscionable conditions, and then offering pardons to those willing to break the law in their name.**
- This committee—the Judiciary committee—has been doing important work to ascertain how Russia made our 2016 election a crime scene and whether that crime was aided and abetted by members of the trump campaign.

- Now, the president has dismissed this exercise as a witch hunt.
- But this witch hunt has turned up many witches, including **convictions of the President's campaign manager, and guilty pleas from the President's deputy campaign manager, his personal attorney, and his decades-long confidante.**
- The Special Counsel has also charged several Russians as part of the Russian military's efforts to create havoc on social media through the creation and proliferation of fake online profiles; and through the surreptitious theft and selective distribution of emails belonging to Secretary Hillary Clinton.
- The release of these emails was designed to maximize the electoral benefits for Donald Trump and harm Hillary Clinton.
- But, you need not take the Special Counsel's word for this – this was also the conclusion and the unanimous assessment of our nation's 17 intelligence agencies.
- But we must remember that after FBI Director James Comey came before the House Permanent Select Committee on Intelligence, and announced the existence of a counterintelligence investigation into Russia's role in the 2016 election, and whether the Trump Campaign was involved, the president began a six-week barrage on the credibility of James Comey.
- This would culminate in May 2017, with Comey's firing, and the appointment of the Special Counsel.
- **The Special Counsel's 22-month investigation into the 2016 election did several things.**
- **First it did not absolve the President of wrongdoing: in fact, the Special Counsel indicated that if they were able to clear the president of wrongdoing, they would**

have done so. But, because they could not, they did not.

- And, the Special Counsel's report listed 10 instances of possible obstruction of justice by the president, as it relates to the president's efforts to prevent public disclosure of his conduct in the weeks and months preceding and after the 2016 election, including time during his presidency.
- We have learned that the president, since the campaign, has relied on a revolving door of individuals with questionable character, who are heeding the president's dictates to not cooperate with this committee.
- We have seen efforts to obstruct or otherwise ignore lawful requests to cooperate with our committee.
- We have seen his Attorney General completely flout a request to appear.
- The former White House Counsel, whom the New York Times has dubbed a "narrator" of the Special Counsel's report, has been prevented from appearing before our committee, on a specious—and likely waived—claim of executive privilege.
- And, we saw a witness, who appeared before our committee and refused to answer benign questions about her time in the White House, including, the location of her office.
- **These three incidences, taken together, paint a stark picture of the level of voluntary cooperation this Committee is bound to get from witnesses named in the Special Counsel's Report.**
- This background makes clear the need for the authorization of the subpoena.

- Moreover, the Committee on the Judiciary has a constitutional duty to investigate credible allegations of misconduct by executive branch officials.
- Indeed, the list of individuals named in today's authorization are critical fact witnesses in the pattern of conduct listed in the Special Counsel's Report.
- As a result of today's vote, the House Judiciary Committee will authorize subpoenas for the following individuals:
  1. Rick A. Dearborn – Member of Trump Transition Team, former White House Deputy Chief of Staff for Intergovernmental Affairs
  2. Michael T. Flynn – Former National Security Advisor
  3. Joseph “Jody” H. Hunt – Former Chief of Staff, Department of Justice
  4. Jared C. Kushner – President's Son-in-law and Senior Advisor
  5. John F. Kelly- Former White House Chief of Staff
  6. Corey R. Lewandowski – Former Campaign Manager, Trump/Pence
  7. Robert R. Porter – Former White House Staff Secretary
  8. Rod J. Rosenstein – Former Deputy Attorney General
  9. Jefferson B. Sessions – Former Attorney General
  10. Keith M. Davidson – Lawyer retained by Stormy Daniels and Karen McDougal
  11. Dylan Howard – Vice President and Chief Content Officer, American
  12. David J. Pecker – Chief Executive, American Media Inc.
- These individuals, collectively, represent a tranche of individuals who can shed critical light on the conduct of the President and those around him.
- For example, Michael Flynn, the president's first national security adviser, pleaded guilty early in the Special Counsel's investigation, following reports that he lied to the FBI and the Vice President about whether Flynn discussed sanctions with representatives of the Russian government.

- Jared Kushner – the ubiquitous son in law of the president – has been listed as being present in many critical meetings, not the least of which was his attendance at a June 9, 2016 Trump Tower meeting held pursuant to the offer of “dirt” on Hillary Clinton, from the Russians, to which the President’s son responded: “If it’s what you say it is, I love it.”
- Also present at this meeting were the President’s son and his campaign manager.
- Cory Lewandowski is listed in the Special Counsel’s report as being asked by the President to urge Jeff Sessions to limit the parameters of his recusal
- And, of course, Jeff Sessions and Rod Rosenstein were leading the Justice Department when the Special Counsel was authorized.
- Moreover, Jeff Sessions, in his earlier capacity as senator from Alabama, **was an outspoken advocate for the Trump campaign at a time when it was the focus of overtures from Russia.**
- Sessions is also reported to have met with Russian government officials at the Mayflower Hotel in 2016.
- The attitude of this administration towards a coordinate, co-equal branch of government, together with the dictates of the Mueller Report and the compelling public record compiled by the media, make clear the need for this authorization.
- ***Accordingly, I support this Committee’s authorization for the subpoena of these individuals, and I yield back the balance of my time.***