



January 22, 2025

**VIA EMAIL**

Office of Legal Counsel, Office of National Drug Control Policy  
Attn: Chief FOIA Officer  
1800 G St. NW  
9th Floor  
Washington, DC 20005  
[FOIA@ondcp.eop.gov](mailto:FOIA@ondcp.eop.gov)

**Re: Freedom of Information Act Request**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, 21 C.F.R. Part 1401, American Oversight makes the following request for records.

President Trump has made immigration a centerpiece of his new administration, with plans to deport millions of people annually, build additional detention facilities, reassign federal agents to immigration enforcement, and more.<sup>1</sup> American Oversight seeks records that shed light on the participation of Office of National Drug Control Policy (ONDCP) Houston High Intensity Drug Trafficking Areas (HIDTA) Director Mike McDaniel in a multi-jurisdictional law enforcement border security work group.

**Requested Records**

American Oversight requests that ONDCP produce the following records within twenty business days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) Houston HIDTA Director Mike McDaniel, and (b) any of the external entities and individuals listed below or anyone communicating on their behalf (including, but not limited to, at the listed email addresses and domains).

External Entities and Individuals:

- a. America First Legal (aflegal.org)
- b. American Immigration Control Foundation (aicfoundation.com)

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<sup>1</sup>See, e.g., Charlie Savage et al., *Sweeping Raids, Giant Camps and Mass Deportations: Inside Trump's 2025 Immigration Plans*, N.Y. Times, Nov. 11, 2023, <https://www.nytimes.com/2023/11/11/us/politics/trump-2025-immigration-agenda.html>.



- c. Border 911 ([border911.com](http://border911.com))
- d. Center for Immigration Studies ([cis.org](http://cis.org))
- e. Claremont Institute ([claremont.org](http://claremont.org))
- f. David Vandenberg ([DavidVandenberg@utexas.edu](mailto:DavidVandenberg@utexas.edu))
- g. Eddie Ortiz
- h. Federation for American Immigration Reform ([fairus.org](http://fairus.org))
- i. Immigration Reform Law Institute ([irli.org](http://irli.org))
- j. Jason Killmeyer ([jason.killmeyer@gmail.com](mailto:jason.killmeyer@gmail.com))
- k. Joseph Humire ([jimhumire@securefreesociety.org](mailto:jimhumire@securefreesociety.org))
- l. Michael "Mike" Banks ([michael.banks@gov.texas.gov](mailto:michael.banks@gov.texas.gov))
- m. NumbersUSA ([numbersusa.org](http://numbersusa.org))
- n. Roy Sikes
- o. Sheriff Corey Helton ([chelton@leacounty.net](mailto:chelton@leacounty.net))
- p. Sheriff Jim Skinner ([sheriffskinner@collincountytx.gov](mailto:sheriffskinner@collincountytx.gov))
- q. Sheriff Mark Dannels ([MDannels@cochise.az.gov](mailto:MDannels@cochise.az.gov))
- r. Sheriff Roy Boyd ([sheriff@goliadcountytx.gov](mailto:sheriff@goliadcountytx.gov))
- s. Sheriff Urbino "Benny" Martinez ([umartinez@co.brooks.tx.us](mailto:umartinez@co.brooks.tx.us))
- t. Thomas "Tom" Homan
- u. Tim Poynter ([timpoynter@att.net](mailto:timpoynter@att.net))

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. In other words, for example, if an official received a mass-distribution news clip email from Border 911, that initial email would not be responsive to this request. However, if the official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by Houston Director Mike McDaniel and containing any of the key terms listed below.

Key Terms:

- i. "Multi-Jurisdictional Law Enforcement Team"
- ii. "Border Security Work Group"
- iii. MJLET
- iv. BSWG
- v. "Border Security LE Team"
- vi. "detention camp"
- vii. "deportation camp"
- viii. "mass detention"
- ix. "mass deport"
- x. Trump
- xi. MAGA
- xii. Homan

xiii. Noem

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 2 of this request to emails sent by the specified individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual's response to an email and the initial received message are responsive to this request and should be produced.

3. All text messages between (a) Houston Director Mike McDaniel, and (b) Thomas "Tom" Homan.

American Oversight is not in a position to provide a phone number for Homan. To the extent Director McDaniel is unable to provide it, please use the key term "Homan" as a search term.

4. Records reflecting any materials in the possession of Houston Director Mike McDaniel related to the Border Security Work Group of the Multi-Jurisdictional Law Enforcement Team.

Responsive records may include, but should not be limited to, information handouts, summary documents, handwritten or typed notes, or any materials produced by the work group.

An email thread referencing the Border Security Work Group of the Multi-Jurisdictional Law Enforcement Team is included as Exhibit A to aid in your search.

**For all parts of this request, please provide all responsive records from April 1, 2024, through the date the search is conducted.**

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."<sup>2</sup> The public has a significant interest in potential coordination between local law enforcement and the

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<sup>2</sup> 5 U.S.C. § 552(a)(4)(A)(iii).

federal government over immigration issues.<sup>3</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including whether and to what extent officials are coordinating over border matters. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request "is not primarily in the commercial interest of the requester."<sup>4</sup> In fact, as a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose, and the release of the information requested is not in American Oversight's commercial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).<sup>5</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>6</sup> Examples reflecting this commitment include the posting of records related to the first Trump Administration's contacts with Ukraine and analyses of those contacts;<sup>7</sup> posting records and editorial content about the federal government's response to the COVID19 pandemic;<sup>8</sup> posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the first Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and

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<sup>3</sup> See, e.g., Scott Calvert & Michelle Hackman, *The Local Sheriffs Gearing Up to Help Trump Carry Out Mass Deportations*, Wall Street Journal (Nov. 28, 2024, 9:00 PM), <https://www.wsj.com/us-news/county-sheriffs-trump-immigration-plan-deportations-64c522dd>.

<sup>4</sup> *Id.*

<sup>5</sup> American Oversight currently has approximately 16,000 followers on Facebook and 97,000 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 21, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Jan. 21, 2025).

<sup>6</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>7</sup> *Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

<sup>8</sup> See generally *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; see, e.g., *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

analyses of what those records reveal;<sup>9</sup> the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;<sup>10</sup> and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.<sup>11</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.
- Our 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.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the

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<sup>9</sup> See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>10</sup> *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>11</sup> See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

Federal Records Act and FOIA.<sup>12</sup> It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.<sup>13</sup>

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,<sup>14</sup> and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

## **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more

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<sup>12</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

<sup>13</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

<sup>14</sup> Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Chloe Dennison at [foia@americanoversight.org](mailto:foia@americanoversight.org) or 202.516.7117. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Chloe Dennison  
Chloe Dennison  
on behalf of  
American Oversight

# EXHIBIT A

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**From:** Dannels, Mark  
**Sent:** Tuesday, May 21, 2024 7:29 AM  
**To:** Corey Helton  
**Subject:** FW: Border Security Work Group Law Enforcement Team - Policies & Problems  
**Attachments:** Border Security Work Plan V2.pptx

Hello Corey,

I apologize for the tardiness of this request coming out of Texas, see below. They asked if I could be part of this and I suggested you too, they have an improv virtual meeting at 0830 this morning, see link below, 1030 central time, can you jump on?

Thanks,

Mark

COCHISE COUNTY  
SHERIFF'S OFFICE  
OFFICIAL COPY

**From:** Roy Boyd <sheriff@goliadcountytexas.gov>  
**Sent:** Monday, May 20, 2024 4:12 PM  
**To:** umartinez@co.brooks.tx.us; Mike McDaniel <FMcdaniel@houstonhidta.net>; Dannels, Mark <MDannels@cochise.az.gov>  
**Subject:** Border Security Work Group Law Enforcement Team - Policies & Problems

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**CAUTION: EXTERNAL EMAIL\***

Members of the Multi-Jurisdictional Law Enforcement Team,

As part of the Border Security Work Group, our focus is to plan a coordinated effort to guard against contraband entry into the US and territories; intercept the flow of contraband from US states to transnational staging areas outside of US states and territories; dismantle transnational criminal organizations operating within all US states and territories and prosecute their members. *Establish the "main operational effort."*

We must focus on **sub-tasks 1 & 2** between now and Wednesday the 22nd, with the goal to complete sub-task 1 and part of sub-task 2 by Wednesday the 22nd, 7pm EST.

We have until Monday, June 3<sup>rd</sup>, to submit a draft for our portion of the plan.

See those sub-tasks bolded/underlined below:

**Multi-jurisdictional law enforcement team** (consisting of local, state, tribal, and Federal representatives)

**Special Teams' purpose: Research.**

- 1) **Describe current policies affecting comprehensive approach to border security.**
- 2) **Describe current problems.** Recommend objectives and priorities for each team focus area.
- 3) Recommend options to achieve objective(s).
- 4) Recommend resources required to achieve objectives.
- 5) Identify potential stakeholders.
- 6) Identify potential obstacles for realizing objectives.

**Sub-task 1: Describe current policies** - With our current level of understanding in each of our areas, we need to look at how the various issues related to border security are being handled throughout federal, state, and local systems. While many of these actions may not be tied to a written policy, the actions become the policy. We should examine each action to identify how and if it corresponds to the current problem.

**Sub-task #2: Describe current problems** – We are all witnessing the problems associated with the failure to secure the border and combat transnational criminal activity throughout the United States. In this task, I recommend that we create a list of issues to combine into a short description that can be used to provide for actionable objectives in our next phase of this project.

In the initial synopsis I provided Colonel Rios for this project, I wrote the following about those portions that apply to this work group:

COCHISE COUNTY  
SHERIFF'S OFFICE  
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### **Enforcement – At The Border**

Border Patrol must be set free to conduct their business and enforce the law without administrative restrictions being placed on them that are designed to prevent the enforcement of laws. In order to be successful, the new administration will have to identify and terminate those supervisors who have been placed in key positions as a means by which to prevent the field agents from conducting enforcement efforts. Failure to do so will ensure mission failure.

### **Enforcement - Interior**

Transnational Criminal Organizations have entrenched holdings across the United States. Securing the borders and reducing the numbers will not bring their criminal enterprise to a stop throughout the US.

Mexican cartels, their contractors, sub-contractors, indentured servants, and domestic and foreign business partners must be identified and prosecuted. With the use of a properly functioning intelligence body, a combined force of federal, state, and local law enforcement agencies must identify, locate, investigate, and arrest transnational criminal actors and their associates. The Mexican cartels have partnered with other foreign organized crime from places like China, Korea, Syria, etc. These groups are working together throughout the US. This partnership of hostile actors is a direct threat to our national security.

The functionality of this effort must be set up as a Unified Command, with each level of law enforcement having a say in the target selection and operational methodology that is to take place. The High Intensity Drug Trafficking Area (HIDTA) Executive Board is a good example of how this can function in a productive manner. In order to eliminate the need to expand the footprint of federal agencies, I recommend that the established taskforce method be used in which state and local agencies that participate may receive grants that pay for manpower and equipment that is to be dedicated to the mission provided by the administration.

### **Deportation**

Without deportation we will not be able to reduce or eliminate the presence of transnational criminal organizations within the United States. Due to the nature of the human smuggling operations, which indebts illegal aliens to the cartels, many of those illegally in the US are operatives of the cartels. If they are allowed to remain in the US, they pose not only a threat to our national security in the form of potential unknown actors, they are also a logistical tool which cartels can use to start up, expand, and reconstitute operations without the need for additional personnel.

Deportation by federal agencies can be augmented with the use of local and state authorities. Local and state law enforcement can be cross designated as federal immigration agents, as has been done in the past, or an expansion of the 287g program beyond the jail setting can be put in place to allow agencies to identify and detain illegal aliens encountered during routine duties.

Deportation is a necessary step to secure our nation and must be a collaborative effort.

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If possible, I would like to have a conference call via Zoom tomorrow at 10:30 am to have a quick discussion on your thoughts.

Here is the link:

I will attach a document that Colonel Rios updated today for your information as well.

Sheriff Dannels, please invite the sheriff from New Mexico as well.

Mike, please invite any HIDTA director you feel might be of value.

**This E-mail is from an EXTERNAL address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to [cochise.az.gov@missedspam.com](mailto:cochise.az.gov@missedspam.com) or contact IT support at 520-432-8301.**

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