



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

August 24, 2020

The Honorable Chad Wolf
Department of Homeland Security
Washington, D.C. 20528

Dear Mr. Wolf:

I write today to request documents regarding interactions between the Department of Homeland Security (DHS)—including U.S. Customs and Border Protection (CBP) and all other component agencies—with We Build the Wall, including interactions regarding projects built by Fisher Sand and Gravel Co. and any of its subsidiaries in Sunland Park, New Mexico, and Mission, Texas, in 2019.

We Build the Wall was founded by Brian Kolfage, Steve Bannon, and others with the stated intent of taking donations from private citizens “to build segments of border wall on private property” along the U.S.-Mexico border.¹ The group partnered with Fisher Industries to build border barriers on private property in New Mexico and in Texas in 2019.² Last week, Kolfage, Bannon, and two other associates were arrested and indicted for allegedly embezzling more than \$1 million in donations to We Build the Wall.³

On November 20, 2019, you and U.S. Border Patrol El Paso Sector Chief Gloria Chavez praised We Build the Wall’s New Mexico project at a press event.⁴ Chief Chavez touted the privately built, half-mile barrier as a “game changer” and “very effective.”⁵ Chief Chavez also described specific technical capabilities included as part of the project.⁶ We Build the Wall claims on their website that the New Mexico project “utilizes a multi-tiered high tech system to detect and deter

¹ *About Us and Our Team*, WE BUILD THE WALL, <https://webuildthewall.us/about-us/>; <https://webuildthewall.us/ourteam/> (accessed Aug. 23, 2020).

² Nick Miroff and Josh Dawsey, ‘He always brings them up’: Trump tries to steer border wall deal to North Dakota firm, THE WASHINGTON POST, May 23, 2019, https://www.washingtonpost.com/immigration/he-always-brings-them-up-trump-tries-to-steer-border-wall-deal-to-north-dakota-firm/2019/05/23/92d3858c-7b30-11e9-8bb7-0fc796cf2ec0_story.html.

³ *Press Release: Leaders Of “We Build the Wall” Online Fundraising Campaign Charged With Defrauding Hundreds Of Thousands Of Donors*, DEPARTMENT OF JUSTICE, Aug. 20, 2020, <https://www.justice.gov/usao-sdny/pr/leaders-we-build-wall-online-fundraising-campaign-charged-defrauding-hundreds-thousands>.

⁴ Julian Resendiz, *DHS officials welcome privately-built border wall*, BORDER REPORT, Nov. 21, 2019, <https://www.borderreport.com/news/dhs-officials-welcome-privately-built-border-wall/>.

⁵ *Id.*

⁶ *Id.*

would be illegal aliens from crossing” and that “US Border Patrol Agents praise the high tech system as the most advanced border wall on the entire US Border.”⁷

You stated during this same press conference:

“Obviously, when you’re talking about a border wall system you have to do that in close connection with CBP, the Army Corps of Engineers and the like. The requirements that they have are pretty robust...It has to meet certain requirements. So, if there are going to be private entities that do that, we want to make sure that we’re talking to them.”⁸

Your statements and those of Chief Chavez appear to have been used by Kolfage on Twitter one day after the press event in an attempt to advance a similar border wall project in Mission, Texas, even though the U.S. Section of the International Boundary and Water Commission had requested construction of that barrier be halted.⁹ Kolfage tweeted:

“We are building 3.5 miles of pure excellence in 21st century human engineering. [@WeBuildtheWall](#) is [@DHSgov](#) + [@cbp](#) APPROVED & ENDORSED! [@CNN](#) [@DeplorableChoir](#)[@DRUDGE](#) [@RyanAFournier](#) [@charliekirk11](#) [@TrumpStudents](#) [@LouDobbs](#) [@kinguilfoyle](#)[@MailOnline](#) [@realDailyWire](#) [@AP](#) [@CBSNews](#) [pic.twitter.com/aKQvTYemAI](#)” — Brian Kolfage (@BrianKolfage) (November 21, 2019)¹⁰

Kolfage later doubled down on this assertion in another tweet, stating:

“The private wall that [@WeBuildtheWall](#) built and funded is [@DHSgov](#) [@CBP](#) ENDORSED and APPROVED. Never forget it. [pic.twitter.com/LFIuQhQvhr](#)” — Brian Kolfage (@BrianKolfage) (July 12, 2020)¹¹

I also note that Kris Kobach, who is a member of We Build the Wall’s board and serves as general counsel, claimed at least three times during 2019 that President Trump approved of the group’s border wall projects.¹² For example, during a Facebook live event in May 2019, he stated:

⁷ Homepage: Project 1, WE BUILD THE WALL, <https://webuildthewall.us/> (accessed Aug. 23, 2020).

⁸ Resendiz, *DHS officials welcome privately-built border wall*, *supra* note 4.

⁹ Nick Miroff, *Right-wing group continues to build private border wall. It lacks permits, but not official praise*, THE WASHINGTON POST, Nov. 22, 2019, https://www.washingtonpost.com/immigration/right-wing-group-continues-to-build-private-border-wall-it-lacks-permits-but-not-official-praise/2019/11/22/b4281676-0c71-11ea-8397-a955cd542d00_story.html.

¹⁰ *Id.*

¹¹ Perla Trevizo and Jeremy Schwartz, *Trump Says He “Disagreed” With Privately Funded Border Wall, So Why Did His Administration Award the Builder \$1.7 Billion in Contracts to Erect More Walls?*, PROPUBLICA. July 12, 2020, <https://www.propublica.org/article/trump-says-he-disagreed-with-privately-funded-border-wall-so-why-did-his-administration-award-the-builder-billion-in-contracts-to-erect-more-walls>.

¹² Andrew Kaczynski and Nathan McDermott, *Kris Kobach claimed he spoke with “enthusiastic” Trump three times about border wall project at center of fraud investigation*, CNN, Aug. 21, 2020, <https://www.cnn.com/2020/08/21/politics/kfile-kobach-wall-fraud/index.html>.

“I’ve spoken to the President about this project on three occasions now... And he said—the first time I told him about it—he said, ‘well, you tell the guys at We Build The Wall, that they have my blessing.’ And he used those exact words.”¹³

So that the Committee can better understand the nature and extent of interactions between DHS and We Build the Wall, the Committee requests that DHS produce no later than September 6, 2020, the following:

1. All communications between employees of DHS (including all component agencies) and Brian Kolfage, Steve Bannon, Kris Kobach, and/or any other individuals associated with We Build the Wall;
2. All documents—including all internal communication as well as all communication between any DHS employee (including employees of all component agencies) and any other federal agency, the White House, and/or any non-Federal entity—referring or relating to We Build the Wall; and
3. All documents—including all internal communication as well as all communication between any DHS employee (including employees of all component agencies) and any other federal agency, the White House, and/or any non-Federal entity—regarding the construction of wall barriers in Sunland Park, New Mexico, and Mission, Texas.

Thank you for your attention to this matter.

Sincerely,



BENNIE G. THOMPSON
Chairman

¹³ *We Build the Wall Show with Kris Kobach*, FACEBOOK, May 13, 2019, <https://www.facebook.com/WeBuildTheWall/videos/343310852992972/> (accessed Aug. 24, 2020).