

# Congress of the United States

Washington, DC 20510

March 16, 2026

The Honorable Pamela J. Bondi  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Bondi:

We write to refer evidence showing Secretary of Homeland Security Kristi Noem repeatedly misled the Senate Committee on the Judiciary during her testimony on March 3, 2026, and the House Committee on the Judiciary during her testimony on March 4, 2026. A number of her statements appear to violate criminal statutes prohibiting perjury and knowingly making false statements to Congress.

Under 18 U.S.C. §1001, it is a federal crime for any individual to “knowingly and willfully ... make[] any materially false, fictitious, or fraudulent statement or representation ... [w]ith respect to ... any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.”<sup>1</sup> Under 18 U.S.C. §1621, it is likewise a federal crime for any individual, “having taken an oath before a competent tribunal,” to “willfully subscribe[] as true any material matter which he does not believe to be true.”<sup>2</sup> After months of evading our Committees’ requests to testify in routine oversight hearings, Secretary Noem made a series of demonstrably false statements in a brazen attempt to undermine critical congressional oversight of the Department of Homeland Security. She did so after affirming that her testimony to the Senate would be “the truth, the whole truth, and nothing but the truth” and that her testimony to the House, “under penalty of perjury,” would be “true and correct.”<sup>3</sup>

The following statements from the March 3 and March 4 hearings amply support an investigation into whether Secretary Noem knowingly and willfully made false statements under oath to the Senate and House Judiciary Committees.

## **A. Statements Regarding DHS’s Failure to Comply with Court Orders**

After presenting evidence making clear that the Department of Homeland Security (DHS) has violated numerous court orders, Senator Durbin, the Ranking Member of the Senate Judiciary Committee, asked if DHS is “required to follow federal court orders?” Secretary Noem responded, “we do comply with federal court orders.” When pressed again by Ranking Member Durbin, Noem said, “we follow court orders and when they apply and when the jurisdiction and decision is applicable to a federal agency like ours.” When asked again to clarify, she reiterated:

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<sup>1</sup> 18 U.S.C. §1001.

<sup>2</sup> 18 U.S.C. §1621.

<sup>3</sup> *Oversight Hearing of the Department of Homeland Security*, S. Comm. on Judiciary, 119th Cong. (Mar. 3, 2026); *Oversight of the Department of Homeland Security*, H. Comm. on the Judiciary, 119th Cong. (Mar. 4, 2026).

“We follow court orders when they are given to us. Federal court orders, we follow, absolutely.”<sup>4</sup> Noem was asked a similar question by Senator Booker: “Your agency complies with court orders?” She responded, “Yes, we comply with federal court orders.”<sup>5</sup>

Secretary Noem repeated these false claims before the House Judiciary Committee. Representative Balint asked Secretary Noem: “[s]ince you took over the department, how many times has DHS violated a court order?” Secretary Noem responded: “We always comply with federal court orders.” When Representative Balint pressed further, noting that a federal judge had identified 210 instances of U.S. Immigration and Customs Enforcement (ICE) violating court orders, Noem insisted, “[w]e comply with all federal court orders.” Representative Balint then asked directly: “Is your testimony that no one at ICE has violated a court order or has lied to a federal judge?” Noem responded: “To my knowledge, I am not aware of any situations where that has happened.”<sup>6</sup>

Those statements were false. DHS has repeatedly defied court orders to release individuals from ICE detention and has even failed to release individuals for days or weeks after a court-ordered date. DHS’s non-compliance is not isolated to one state or district court. As referenced above, on February 26, 2026, Chief Judge Patrick Schiltz for the District Court of Minnesota found 210 instances of ICE violating court orders since December 2025 in Minnesota alone.<sup>7</sup> In his supplemental order, Judge Schiltz wrote:

Increasingly, this Court has had to resort to using the threat of civil contempt to force ICE to comply with orders. The Court is not aware of another occasion in the history of the United States in which a federal court has had to threaten contempt — again and again and again — to force the *United States government* to comply with court orders.<sup>8</sup>

Just last month, the Department of Justice (DOJ) itself reported over 50 separate instances in which the Administration, including DHS, failed to comply with court orders, in just a 9-week period in the District of New Jersey.<sup>9</sup> In response, District Court Judge Michael Farbiarz wrote in his March 3, 2026 opinion:

Mistakes can be made. But when the same mistakes happen over and over again --- the picture can start to look different. What looks like inadvertence (when it happens once)

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<sup>4</sup> *Oversight Hearing of the Department of Homeland Security*, S. Comm. on Judiciary, 119th Cong. (Mar. 3, 2026).

<sup>5</sup> *Id.*

<sup>6</sup> *Oversight of the Department of Homeland Security*, H. Comm. on the Judiciary, 119th Cong. (Mar. 4, 2026).

<sup>7</sup> Quinn Wilson, *Minnesota Judge Threatens ICE with Contempt for Order Violations*, BLOOMBERG L. (Feb. 26, 2026), <https://news.bloomberglaw.com/daily-labor-report/minnesota-judge-threatens-ice-with-contempt-for-order-violations>; and Mitch Smith, Ernesto Londoño, & Mattathias Schwartz, *Judge Vows to End Trump Administration’s Noncompliance ‘One Way or Another,’* N.Y. TIMES, (Feb. 26, 2026), <https://www.nytimes.com/2026/02/26/us/minnesota-judge-ice-immigration.html>.

<sup>8</sup> Supp. Order, *Juan T.R. v. Noem et al.*, No. 26-107 (D. Minn. Feb. 26, 2006), at p. 5, [https://www.bloomberglaw.com/public/desktop/document/TobayRoblesvNoemetalDocketNo026cv00107DMinnJan082026CourtDocket/2?doc\\_id=X53UV2MQISQ88H9HRMPAOG6B41Q](https://www.bloomberglaw.com/public/desktop/document/TobayRoblesvNoemetalDocketNo026cv00107DMinnJan082026CourtDocket/2?doc_id=X53UV2MQISQ88H9HRMPAOG6B41Q).

<sup>9</sup> Declaration of Jordan Fox, *Kumar v Soto*, No. 26-777 (D. N.J. Feb. 13, 2026), pp. 6-10, <https://s3.documentcloud.org/documents/27174862/jordan-fox-declaration-1-1.pdf>.

might begin to inch closer to looking intentional (when it happens more than once a week). “Adherence to court orders is a bedrock feature of our justice system.”<sup>10</sup>

On January 23, 2026, Judge John Woodcock, Jr. for the District Court of Maine ordered the immediate release of an immigrant after the court learned ICE provided DOJ attorneys with false information and “defied an order not [to] move the woman outside his jurisdiction.”<sup>11</sup> Federal judges in West Virginia have repeatedly “ordered the immediate release of numerous immigrant detainees ... who were held without due process.”<sup>12</sup> As Judge Joseph R. Goodwin noted in his February 27, 2026 opinion, “[t]he problem lies in the attorneys’ *clients*, federal government actors, who have offered no evidence that they have seen or even care about the legal rulings of this district.”<sup>13</sup>

## **B. Statements Regarding DHS Contracts**

When questioned by Senator John Kennedy over the Department’s spending “\$220 million running television advertisements that feature [her] prominently,” Secretary Noem responded, “the President tasked me with getting the message out to the country.”<sup>14</sup> Senator Kennedy then asked: “Did you bid out those service contracts?” Noem responded: “Yes, they did. They went out to a competitive bid, and career officials at the Department chose who would do those advertising commercials.”<sup>15</sup> After some additional back and forth, the exchange proceeded as follows:

Senator Kennedy: “I’m asking you ...but the President approved ahead of time you spending \$220 million running TV ads across the country in which you are featured prominently. The President --”

Secretary Noem: Yes sir, we went through the legal processes, did it correctly --

Senator Kennedy: Did the President know you were --

Secretary Noem: -- worked with OMB--

Senator Kennedy: -- going to do this?

Secretary Noem: Yes.

Senator Kennedy: He did?

Secretary Noem: Yes.<sup>16</sup>

However, on March 5, 2026, in a phone interview with Reuters, the President said, “I never knew anything about it” when asked if he approved the \$220 million DHS advertising campaign.<sup>17</sup> These two statements are clearly inconsistent; one of them has to be false. Even if Secretary

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<sup>10</sup> Op., *Kumar v Soto*, No. 26-777 (D. N.J. Mar. 2, 2026), pp. 12-13,

<https://newjerseymonitor.com/wp-content/uploads/2026/03/3-20-26-Balkinder-v-Soto-opinion.pdf>.

<sup>11</sup> Sawyer Loftus, *Judges in Maine Cases Admonish ICE for Falsehoods and Violating Court Orders*, THE MAINE MONITOR (Feb. 23, 2026), <https://themainemonitor.org/judges-admonish-ice-falsehoods-violating-court-orders/>.

<sup>12</sup> Amelia Ferrell Knisely, *Federal Judge Issues ‘Final Notice’ to Trump Admin Over Unlawful Jailings of Immigrants in WV*, W.V. WATCH (Mar. 2, 2026), <https://westvirginiawatch.com/2026/03/02/federal-judge-issues-final-notice-to-trump-admin-over-unlawful-jailings-of-immigrants-in-wv/>.

<sup>13</sup> Memo Op. and Order, *Izaguirre v Mason et al.*, No. 26-121 (S.D.W.V. Feb. 27, 2026), p. 7 n.12, <https://storage.courtlistener.com/recap/gov.uscourts.wvsd.243036/gov.uscourts.wvsd.243036.18.0.pdf>.

<sup>14</sup> *Oversight Hearing of the Department of Homeland Security*, S. Comm. on Judiciary, 119th Cong. (Mar. 3, 2026).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

Noem was the one telling the truth about the President’s knowledge, and she may well have been, she flatly misrepresented that the contract had been subject to a competitive bid.

The next day, at the House Judiciary Committee hearing, Representative Neguse also pressed Secretary Noem about the Department’s advertising campaign. When confronted with evidence establishing that the contracts were not competitively bid, Noem was forced to concede that the process was not competitive. But she nonetheless continued to insist that the campaign was “all done correctly, all done legally”—even in the face of documents showing that one of the primary contractors, Safe America Media, had received \$143 million despite having been incorporated just eight days before the contract was awarded.<sup>18</sup>

Senators Schiff and Welch also raised questions regarding the bidding process for the ad contracts. Noem responded that “there was no involvement whatsoever of anybody that is on the political appointee side of this position on that media contract”<sup>19</sup> and “there was no political, myself or anyone else, besides career employees who are part of that process for putting out those contracts—and choosing those vendors.”<sup>20</sup> Noem also claimed before the House Judiciary Committee that “[m]any vendors got the chance to look at that contract and to participate in it.”<sup>21</sup>

New public reporting, however, indicates that those statements may have been false. It has been reported that not only did the Secretary “handpick” four companies for the ad campaign,<sup>22</sup> but procurement records show the “ad work was awarded using ‘other than full and open competition,’” and the four companies were politically connected to Noem and her allies.<sup>23</sup>

In addition, Senator Blumenthal asked, “Does Corey Lewandowski have a role in approving contracts? And if so, what is that role?” Noem responded: “His role is a special government employee, and special government employees work for the White House and the Administration.”<sup>24</sup> Senator Blumenthal pressed again, “So he does have a role?” and the Secretary responded unequivocally, “No.”<sup>25</sup> Noem likewise told the House Judiciary Committee

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<sup>17</sup> Steve Holland & Ted Hesson, *Exclusive: Trump Tells Reuters He Did Not Sign Off on Ad Campaign Featuring Homeland Security Secretary*, REUTERS (Mar. 5, 2026), <https://www.reuters.com/world/us/trump-says-he-didnt-sign-off-200-million-border-security-ad-campaign-2026-03-05/>.

<sup>18</sup> See Justin Elliott, Joshua Kaplan, & Alex Mierjeski, *Firm Tied to Kristi Noem Secretly Got Money from \$220 Million DHS Ad Contracts*, PROPUBLICA (Nov. 14, 2025), <https://www.propublica.org/article/kristi-noem-dhs-ad-campaign-strategy-group>; and Irene Casado Sanchez & Eric Fan, *Noem Ad Blitz Benefits Media Firms Linked to Trump Campaigns*, BLOOMBERG L. (Mar. 5, 2026), <https://www.bloomberg.com/news/features/2026-03-06/noem-dhs-ad-blitz-benefits-firms-linked-to-trump-campaigns>.

<sup>19</sup> *Oversight Hearing of the Department of Homeland Security*, S. Comm. on Judiciary, 119th Cong. (Mar. 3, 2026).

<sup>20</sup> *Id.*

<sup>21</sup> *Oversight of the Department of Homeland Security*, H. Comm. on the Judiciary, 119th Cong. (Mar. 4, 2026).

<sup>22</sup> Julia Ainsley, *Noem Handpicked Contractors to Lead a \$100 Million ICE Recruitment Campaign, Sources Say*, NBC NEWS (Mar. 5, 2026), <https://www.nbcnews.com/politics/national-security/noem-handpicked-contractors-lead-100-million-ice-recruitment-campaign-rcna261968>.

<sup>23</sup> Luke Rosiak, *Docs Show DHS Specifically steered \$200M Ad Contract Raising Questions About Noem’s Testimony*, DAILY WIRE (Mar. 5, 2026), <https://www.dailywire.com/news/docs-show-dhs-specifically-steered-200m-ad-contracts-raising-questions-about-noems-testimony>.

<sup>24</sup> *Oversight Hearing of the Department of Homeland Security*, S. Comm. on Judiciary, 119th Cong. (Mar. 3, 2026).

<sup>25</sup> *Id.*

that Mr. Lewandowski is merely “an advisor” and “has no authority” to make decisions in the Department.<sup>26</sup>

Secretary Noem’s denial of Corey Lewandowski’s role in DHS contract approval may also have been false. It has been widely reported that Mr. Lewandowski asserts approval authority over contracts and grants that exceed \$100,000.<sup>27</sup> A similar approval process reportedly exists for policy decisions, and as a recently published document shows, Mr. Lewandowski’s signature is visible above Secretary Noem’s on a February 2025 document reversing temporary protected status for Haitians.<sup>28</sup>

### **C. Statements Regarding Detaining U.S. Citizens**

Senator Booker asked Secretary Noem: “How long do detentions last when you detain an American citizen? How long do they last?” Secretary Noem responded that “[w]e don’t detain American citizens.”<sup>29</sup> Secretary Noem repeated that claim before the House Judiciary Committee. When Representative Correa asked directly: “is your department detaining U.S. citizens?” Noem responded: “No, we are not.”<sup>30</sup>

These statements by Noem are demonstrably false. As noted repeatedly by members of both Committees, in the first nine months of President Trump’s immigration crackdown, at least 170 citizens were wrongfully detained.<sup>31</sup> As of mid-October, approximately two dozen U.S. citizens had been held for more than a day without being able to contact anyone, including their lawyers.<sup>32</sup> Senator Durbin’s staff have documented the reported detention of at least 40 U.S. citizens in Illinois alone between late August and early November 2025, during the so-called “Operation Midway Blitz.”<sup>33</sup> For example, in October, immigration agents arrested a citizen at his Chicago home, detaining him even after he presented his birth certificate and state ID.<sup>34</sup> Four citizens were detained and held for hours in a raid in Chicago’s Little Village neighborhood and the suburb of Cicero, including members of Chicago Alderman Mike Rodriguez’s staff.<sup>35</sup> Federal

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<sup>26</sup> *Oversight of the Department of Homeland Security*, H. Comm. on the Judiciary, 119th Cong. (Mar. 4, 2026).

<sup>27</sup> See, e.g., Myah Ward & Jack Colman, *Lewandowski’s Veto Power Over DHS Contracts Frustrates Admin Officials: ‘Corey is Part of the Problem’*, POLITICO (Aug. 27, 2025), <https://www.politico.com/news/2025/08/27/tk-00527043>; and Michelle Hackman, Josh Dawsey, & Tarini Parti, *A Pilot Fired Over Kristi Noem’s Missing Blanket and the Constant Chaos Inside DHS*, WALL ST. J. (Feb. 12, 2026), (<https://www.wsj.com/politics/policy/chaos-kristi-noem-homeland-security-f095ac95>).

<sup>28</sup> Joshua Kaplan & Justin Elliott, *Kristi Noem Misled Congress About Top Aide’s Role in DHS Contracts*, PROPUBLICA (Mar. 4, 2026), <https://www.propublica.org/article/kristi-noem-dhs-misled-senate-judiciary-corey-lewandowski-contracts>.

<sup>29</sup> *Oversight Hearing of the Department of Homeland Security*, S. Comm. on Judiciary, 119th Cong. (Mar. 3, 2026).

<sup>30</sup> *Oversight of the Department of Homeland Security*, H. Comm. on the Judiciary, 119th Cong. (Mar. 4, 2026).

<sup>31</sup> Nicole Foy, *We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They’ve Been Kicked, Dragged and Detained for Days*, PROPUBLICA (Oct. 16, 2025), <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will>.

<sup>32</sup> *Id.*

<sup>33</sup> Letter from Sen. Durbin to Secretary Noem (Dec. 12, 2025), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-investigates-arrests-of-us-citizens-by-president-trumps-out-of-control-immigration-forces>.

<sup>34</sup> Billal Rahman, *Multiple Reports of US Citizens Detained in Chicago*, NEWSWEEK (Oct 16, 2025), <https://www.newsweek.com/multiple-reports-of-us-citizens-detained-in-chicago-10887987>.

<sup>35</sup> *Sophia Tareen, More Elected Democrats Report Tense Encounters with Immigration Agents Around Chicago*, AP NEWS (Oct. 23, 2025), <https://apnews.com/article/immigration-arrests-chicago-politicians-trump->

agents detained a 15-year-old citizen in Chicago’s East Side, holding him for more than five hours without the ability to contact family or a lawyer.<sup>36</sup> In California, a U.S. veteran named George Retes was violently arrested and held for days in immigration detention.<sup>37</sup> Agents refused to review Retes’s identification during the encounter, though Retes repeatedly explained that he was a U.S. citizen.<sup>38</sup>

#### **D. False Statements Regarding Detention Conditions**

In response to a question from Senator Padilla about conditions in ICE detention, Secretary Noem stated, “We adhere to our federal detention standards, which are higher than virtually all state and local detention standards. We provide medical care to all of our detainees, three nutritious meals a day.”<sup>39</sup> Secretary Noem repeated that claim before the House Judiciary Committee, stating that “every one of our detainees gets medical care within 12 hours of being there,” and asserting that DHS detention standards are “the highest in the nation, overwhelmingly in comparison to other detaining facilities and the local or state level.”<sup>40</sup>

Those statements were false. There is ample evidence that ICE is neither meeting its own detention standards, nor providing anything that resembles a nutritious meal. Court filings show that families in detention reported “denial of critical medical care, worms and mold in the food that result in children becoming ill,” and children becoming “weak, faint, pale and often crying” from hunger.<sup>41</sup> ICE internal audits have documented significant failures to meet medical care standards.<sup>42</sup> Such failures have also been widely reported, with one family reporting that their toddler, Amalia, was sick for days—at times forced to wait with her mother outside in freezing temperatures and rain to obtain medicine—until she had to be rushed to the hospital for dangerously low blood oxygen levels.<sup>43</sup> There she was treated for “pneumonia, Covid-19, RSV, and respiratory distress.”<sup>44</sup>

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[7624ff7cae0b58f9b8606deacffa2474](https://www.nbcnews.com/news/us-news/911-calls-kids-struggling-breathe-ice-detention-texas-immigration-rcna260595).

<sup>36</sup> Christian Farr, *Feds, Attorneys Spar Over 15-Year-Old Detained By U.S. Immigration Officers*, NBC5 CHICAGO (Oct. 15, 2025), <https://www.nbcchicago.com/news/local/feds-attorneys-spar-over-15-year-old-detained-by-u-s-immigration-officers/3839147/>.

<sup>37</sup> George Retes, *I’m a U.S. Citizen Who Was Wrongly Arrested and Held by ICE. Here’s Why You Could Be Next*, S.F. CHRON. (Sept. 16, 2025), <https://www.sfchronicle.com/opinion/openforum/article/ice-racial-profiling-21045429.php>.

<sup>38</sup> *Id.*

<sup>39</sup> *Oversight Hearing of the Department of Homeland Security*, S. Comm. on Judiciary, 119th Cong. (Mar. 3, 2026).

<sup>40</sup> *Oversight of the Department of Homeland Security*, H. Comm. on the Judiciary, 119th Cong. (Mar. 4, 2026).

<sup>41</sup> Priscilla Alvarez & Michael Williams, *Exclusive: Migrant Families Paint Grim Picture Of Life In Texas ICE Detention Facility*, *New Court Documents Show*, CNN (Dec. 11, 2025), <https://www.cnn.com/2025/12/09/politics/migrant-families-ice-detention-facility-texas>.

<sup>42</sup> Douglas MacMillan et al., *Sixty Violations in Fifty days: Inside ICE’s Giant Tent Facility at Ft. Bliss*, WASH. POST (Sept. 16, 2025), <https://www.washingtonpost.com/business/2025/09/16/ice-detention-center-immigration-violations/> (“The ICE inspection report, which is not public and has not been previously reported, raises significant new concerns about the safety of workers and detainees at one of the Trump administration’s marquee immigration projects.”).

<sup>43</sup> Mike Hixenbaugh, *911 Calls Capture Kids Burning With Fever, Struggling to Breathe at ICE Detention Center*, NBC NEWS (Feb. 27, 2026), <https://www.nbcnews.com/news/us-news/911-calls-kids-struggling-breathe-ice-detention-texas-immigration-rcna260595>.

<sup>44</sup> *Id.*

Making false statements to Congress, and making false statements under oath, are federal crimes. The examples above highlight Secretary Noem's false and misleading testimony before the Senate Judiciary Committee on March 3, 2026, and the House Judiciary Committee on March 4, 2026. We accordingly refer this matter to the Department of Justice to determine if her testimony warrants investigation under 18 U.S.C. §§1001 and §1621. While we have low expectations that you will pursue this matter given your partisan weaponization of the Department of Justice, we note that the statute of limitations for perjury and for knowingly and willfully making false statements to Congress is five years.

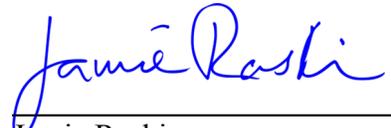
We thank you for your prompt attention to this important matter.

Sincerely,



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Richard J. Durbin  
United States Senator  
Ranking Member, Senate  
Committee on the Judiciary



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Jamie Raskin  
Ranking Member  
House Committee on the  
Judiciary