

United States Senate
WASHINGTON, DC 20510

May 23, 2025

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Inspector General Horowitz:

We write to express our concern about grave allegations that Principal Associate Deputy Attorney General Emil Bove III violated the Department of Justice's (DOJ) Justice Manual, flouted his ethical responsibilities, abused the powers of his office, and exceeded the constitutional limitations on prosecutorial power by initiating pretextual criminal investigations against students at Columbia University and premising investigative steps on protected constitutional activity.

According to public reporting, Mr. Bove sought to have career prosecutors in DOJ's Civil Rights Division obtain a membership list of a student group at Columbia and investigate its members.¹ Prosecutors resisted this request due to the Justice Manual's prohibition on initiating criminal investigations based on protected constitutional activity, such as freedom of association.² These career prosecutors then learned Mr. Bove allegedly sought this list to share with immigration agents, creating a fear that the investigation was a pretextual effort to intimidate students engaged in First Amendment expression with threats of detention and deportation.³ Separately, Mr. Bove reportedly attempted to employ a different intimidation tactic, instructing Federal Bureau of Investigation agents on the Joint Terrorism Task Force to don their raid jackets and stand in a phalanx near protestors on Columbia's campus.⁴

Subsequently, Mr. Bove ordered prosecutors to obtain a search warrant for the nonpublic data associated with the student group's Instagram account, based on the premise that the account was used to make a threat—despite the assessment of career prosecutors that the identified statement did not meet the legal definition of a threat.⁵ No prosecutors from the U.S. Attorney's Office for the Southern District of New York signed the warrant application, despite the action being brought in their jurisdiction, reportedly due to the same concerns shared by the career prosecutors in the Civil Rights Division.⁶

¹ Devlin Barrett, *Orders to Investigate Columbia Protesters Raised Alarms in Justice Dept.*, N.Y. TIMES (May 1, 2025), <https://www.nytimes.com/2025/05/01/us/politics/columbia-protests-justice-department.html>.

² See Justice Manual § 9-27.260; see also *NAACP v. Alabama*, 357 U.S. 449 (1958) (holding Alabama's subpoena for membership lists of the NAACP violated the Due Process Clause of the Fourteenth Amendment).

³ *Supra* note 1.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

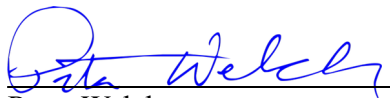
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Ultimately, Mr. Bove's requested warrant application was rejected twice, once on initial review and again on reconsideration, by a federal magistrate judge for failing to establish probable cause.⁷ The nature of the second rejection appears to indicate further abuses because the magistrate judge imposed a special condition: if DOJ seeks to refile this search warrant application before another federal judge, they must include a transcript of the sealed discussions of these initial efforts.⁸ If these reports are accurate, Mr. Bove has abused his prosecutorial and supervisory authority to retaliate against protected First Amendment activity for the purpose of furthering President Trump's political agenda.

This matter must be reviewed by the Office of Inspector General (OIG). While we acknowledge that DOJ views attorney misconduct as the province of the Office of Professional Responsibility (OPR), OPR is apparently not available to pursue this matter. Since the constructive removal of Jeffrey Ragsdale as Director and Chief Counsel,⁹ OPR has no publicly-known leadership, and our understanding is that the office has been shuttered completely. OIG is thus the only available avenue for oversight of attorney professional misconduct.¹⁰

Moreover, concurrent jurisdiction exists between OIG and OPR, particularly where misconduct creates waste, fraud, and abuse. The alleged abuse of power and unethical behavior in question involves the type of misconduct that extends beyond an attorney's professional responsibilities and falls under the jurisdiction of OIG. In this extraordinary circumstance, we urge you to exercise existing concurrent jurisdiction to investigate all alleged misconduct.

Sincerely,



Peter Welch
United States Senator



Mazie K. Hirono
United States Senator



Richard J. Durbin
United States Senator



Adam B. Schiff
United States Senator

⁷ *Id.*

⁸ *Id.*

⁹ Perry Stein, Shayna Jacobs, Carol D. Leonnig & Ann E. Marimow, *Several Top Career Officials Ousted at Justice Department*, WASH. POST (Mar. 7, 2025), <https://www.washingtonpost.com/national-security/2025/03/07/justice-department-trump-firings>.

¹⁰ There has long been a broadly bipartisan view on the Senate Judiciary Committee that OIG should have explicit jurisdiction over attorney misconduct at DOJ. *See* Inspector General Access Act, S. 685, 116th Cong. (2019) (voted out of the Senate Judiciary Committee by a vote of 21 to 1 on June 25, 2020).

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A handwritten signature in blue ink, reading "Richard Blumenthal", is positioned above a horizontal line.

Richard Blumenthal
United States Senator