

United States Senate

WASHINGTON, DC 20510

November 21, 2025

Andrew Fiorillo
Chief, Initial Request Staff
Office of the Attorney General
Department of Justice
441 G St. NW
Washington, DC 20530

Dear FOIA Officer:

Implicit in Article I of the Constitution is Congress's power of inquiry, which is an essential component of Congress's legislative and oversight functions. Concurrent with inquiries we have made to the Department of Justice pursuant to our Article I oversight authority, which have not yet received a response, we are submitting a parallel expedited request under the Freedom of Information Act, 5 U.S.C. § 552, and 28 C.F.R. Part 16, for the following records.

Requested Records

On February 27, 2025, Senators Whitehouse and Blumenthal submitted an ethics complaint to the Office of Professional Responsibility (OPR) concerning then-Acting Deputy Attorney General Emil Bove's conduct in dismissing pending federal charges against New York Mayor Eric Adams. Bove has since left the Department of Justice.

Please produce within twenty business days the following records:

1. All records reflecting any OPR intake or review of the complaint.
2. All records reflecting the initiation of any inquiry or investigation of the allegations in the complaint.
3. All records reflecting the declination to initiate any inquiry or investigation, including any declination memorandum.
4. All lists, transcripts, or summaries of interviews with any witnesses related to the complaint.
5. All records requested or obtained related to the complaint.
6. All records memorializing or supporting any conclusions OPR reached with respect to the complaint.
7. All summaries of the investigation related to the complaint, including any summaries of the completed investigation of the type OPR's website states are regularly made publicly available.

For all parts of this request, please provide all responsive records from February 27, 2025, through the date the search is conducted.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k), a waiver of fees associated with processing this request is appropriate. Disclosure of the requested information is in the public interest because it (i) would shed light on the operations or activities of the government; (ii) would contribute significantly to the general public's understanding of government operations and activities; and (iii) is necessary to carry out Congress's Article I oversight functions, as opposed to for a commercial purpose.

First, disclosure of the requested records would shed light on whether the Justice Department's Office of Professional Responsibility took any action to consider and address an ethics complaint filed by Senators Whitehouse and Blumenthal asking for an investigation into alleged misconduct by Judge Emil Bove, who was then a senior Justice Department official. *See* Dorothy Atkins, *Dems Claim DOJ Atty's 'Quid Pro Quo' Violated Ethics Rules*, Law360 (Feb. 28, 2025), <https://www.law360.com/pulse/articles/2304464/dems-claim-doj-atty-s-quid-pro-quo-violated-ethics-rules>.

The complaint asked whether Bove violated rules of professional conduct and the Department's own policies when he sought to dismiss pending federal charges in a public corruption case against New York City Mayor Eric Adams. The then-Acting U.S. Attorney for the Southern District of New York described the decision to dismiss the charges as a *quid pro quo* exchange for the Mayor's assistance with federal immigration enforcement priorities. *See, e.g.,* Rashbaum et al., *Order to Drop Adams Case Prompts Resignations in New York and Washington*, New York Times (Feb. 13, 2025), <https://www.nytimes.com/2025/02/13/nyregion/danielle-sassoon-quit-eric-adams.html>; Dan Mangan, *DOJ asks judge to dismiss Eric Adams case after seven prosecutors resign in protest*, CNBC (Feb. 14, 2025), <https://www.cnbc.com/2025/02/14/trump-eric-adams-doj-danielle-sassoon-resign.html>. The Senators never received a response to their complaint. The Department of Justice's Office of Professional Responsibility is the primary disciplinary body for Department attorneys, and Congress and the public have a strong interest in knowing whether that office is operating as intended.

Second, disclosure of the requested records would contribute significantly to the general public's understanding of what actions were taken to address an ethics complaint by Senators against a senior Justice Department official. As noted above, the Department of Justice never responded to the complaint. Upon receipt of these records, we intend to disseminate pertinent information along with our analysis through publication on our offices' various platforms, which will enhance the public's understanding of the government's activities.

Third, the request is wholly for non-commercial purposes. Our Senate offices operate as part of the federal government. We seek the requested information not for commercial use, but to aid in congressional oversight, good government, and transparency for the American people.

Expedited Processing Request

Pursuant to 5 U.S.C. 552(a)(6)(E) and 28 C.F.R. § 16.5(e)(1)(ii) and (iv), expedited processing is warranted. Expedition is required when there is a compelling need for the requested information, including where requests involve urgency to inform the public concerning actual or alleged federal government activity or a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. We certify to be true and correct to the best of our knowledge that circumstances warranting expedited processing exist here.

First, Congress has the constitutional authority to legislate and conduct oversight and is entitled to the expeditious disclosure of information to facilitate those processes. The requested information relates to how the Justice Department handled an ethics complaint filed by Senators requesting an investigation into potential misconduct by a former senior Justice Department official who is now a sitting judge. Timely provision of this information is vital for Congress to perform its constitutionally mandated legislative and oversight functions to ensure the Justice Department is appropriately regulating the professional conduct of its attorneys and to address any misconduct that may have occurred.

Second, it is urgent that the public know whether the Department of Justice took any investigatory steps in response to the ethics complaint. The requested information will illuminate whether the Justice Department's Office of Professional Responsibility is effectively enforcing professional responsibility standards and possibly whether there is reason to believe Emil Bove engaged in misconduct with respect to the Eric Adams case. Upon receipt of these records, we intend to disseminate pertinent information along with our analysis through publication on our offices' various platforms.

Third, there is widespread and exceptional media interest in this matter, which, as explained above, raises questions about the government's integrity that affect public confidence. *See, e.g.,* Carrie Johnson, *Fallout from Eric Adams case continues at the Justice Department*, NPR (Feb. 14, 2025), <https://www.npr.org/2025/02/14/nx-s1-5298040/justice-department-eric-adams-fallout>; Hannah Rabinowitz, *Democrats lodge complaint against acting deputy Attorney General Emil Bove in New York over Eric Adams case*, CNN (Mar. 4, 2025), <https://www.cnn.com/2025/03/04/politics/email-bove-new-york-adams-democrats-complaint>.

Guidance Regarding the Search & Processing of Requested Records

Please search for responsive records regardless of format, medium, or physical characteristics. In conducting the search, please construe the terms "record," "document," and "information" in their broadest sense, including any written, typed, recorded, graphic, printed, or audio or video material of any kind. Any request for "records" includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. Any request for "communications" includes, but is not limited to, emails, letters, memoranda, calendar invitations, text messages, direct messages, and attachments thereto. To the extent that an email is responsive to a request, the 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 Federal Records Act and FOIA.

FOIA requires agencies to disclose records to Congress that may otherwise be withheld from the public. 5 U.S.C. § 552(d). If it is your position that any of the requested documents are nonetheless exempted from disclosure requirements, please provide a *Vaughn* index as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973); *see also Roth v. U.S. Dept. of Justice*, 642 F.3d 1161, 1185 (D.C. Cir. 2011) ("Under our case law, agencies invoking a FOIA exemption must provide a specific, detailed explanation of why the exemption applies to the withheld materials."). FOIA also requires agencies to release "any reasonably segregable portions" of documents that may be partially exempt and to prepare "an index relating any withheld portions to specific FOIA exemptions." *Lykins v. U.S. Dept. of Justice*, 725 F.2d 1455, 1466 (D.C. Cir. 1984).

Where possible, please provide responsive material in an electronic format by email. Please send any responsive material being sent by email to Annie_Owens@judiciary-dem.senate.gov. Please send any material being mailed to Sheldon Whitehouse, 530 Hart Senate Office Building, Washington, D.C. 20510. If it will accelerate release of responsive records, please provide responsive material on a rolling basis.

Conclusion

We look forward to working with the Department of Justice to ensure the timely and exhaustive disclosure of all non-exempt records responsive to this request. If you have any questions regarding how to construe this request or believe that further discussions regarding search and processing would facilitate a more efficient production, please do not hesitate to contact us. If the request for a fee waiver is denied in part or in full, please contact our offices immediately. Thank you for your consideration.

Sincerely,



Sheldon Whitehouse
United States Senator
Ranking Member,
Subcommittee on Federal
Courts, Oversight, Agency
Action, and Federal Rights



Richard Blumenthal
United States Senator



Adam B. Schiff
United States Senator

United States Senate

WASHINGTON, DC 20510

November 21, 2025

Carmen Smith Carter
Assistant Counsel for the Freedom of Information and Privacy Acts
Office of Professional Responsibility
Department of Justice
Suite 3241
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Sincerely,



Sheldon Whitehouse
United States Senator
Ranking Member,
Subcommittee on Federal
Courts, Oversight, Agency
Action, and Federal Rights



Richard Blumenthal
United States Senator



Adam B. Schiff
United States Senator