

June 25, 2026

Acting Inspector General William Blier
Office of the Inspector General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Acting Inspector General Blier:

I write to request that the Office of the Inspector General investigate why the Justice Department's Civil Division reviewed the conduct of its own attorneys after a judge on the U.S. District Court for the District of Rhode Island accused those lawyers of serious misconduct. As you know, DOJ's Office of Professional Responsibility (OPR) has long been a disinterested arbiter of misconduct complaints against Department attorneys precisely to avoid the inherent conflict of interest that arises when a component investigates its own personnel. The highly unusual action by the Civil Division in this instance—and the inaction by OPR—deserves scrutiny.

This matter arises from the Civil Division's ongoing nationwide investigation of alleged health care fraud related to gender-affirming care. As part of that investigation, in July 2025, the Department issued a "broad and sweeping administrative subpoena" to Rhode Island Hospital (RIH) for the sensitive medical information of every minor patient to whom the hospital provided gender-affirming care.¹ RIH furnished an initial production of documents and continued to negotiate with DOJ about the subpoena's applicability and scope. In February 2026, DOJ stopped responding to RIH. On April 28, 2026, DOJ reinitiated contact with RIH and requested a party conference that week regarding the hospital's next production.

Two days later, with no notice to RIH, DOJ filed a petition to enforce the subpoena in the Northern District of Texas. In that petition, DOJ lawyers failed to disclose to the Texas court that they had ceased communications with RIH in February, implying that RIH refused to comply or work with DOJ regarding the subpoena.² The Texas court summarily granted DOJ's petition without notice to or response from RIH, ordering RIH to comply.³

RIH and the Child Advocate for the State of Rhode Island filed an emergency motion to quash the subpoena in the District of Rhode Island. DOJ lawyers then misled the Rhode Island court by again failing to disclose that the Department stopped responding to RIH in February 2026, instead representing to the court that RIH never complied with the subpoena or moved to quash.⁴

¹ Mem. and Order at 1-2, *In Re: Administrative Subpoena 25-1431-032 to Rhode Island Hospital*, C.A. No. 1:26-mc-00007-MSM-AEM (D. R.I. May 13, 2026).

² *Id.* at 5.

³ *Id.* at 6.

⁴ *Id.* at 3-4.

The Rhode Island court granted the motion to quash, rebuking the conduct of the Justice Department lawyers:

DOJ has proven unworthy of this trust at every point in this case. It has misrepresented and withheld information to both this Court and the United States District Court for the Northern District of Texas. . . . It did so in an obvious effort to shield its recent investigative tactics—previously rejected by every other court to review them—from this Court’s review, in favor of a distant forum that DOJ deems friendly to its political positions.⁵

The Rhode Island court condemned the Department lawyers’ actions and representations to the court as “misleading,” “subterfuge,” “patently untrue,” and “deceptive.”⁶ The court concluded, “[t]his reckless disregard for the duty of candor owed to a federal court is appalling.”⁷

In response, on June 3, 2026, DOJ issued a statement that the Civil Division—not OPR—had reviewed the Rhode Island district court’s accusations and “concluded that they are without merit.”⁸ The Civil Division asserted, “[o]ur attorneys did not misrepresent facts, withhold relevant information, or otherwise mislead the Court. The Department stands behind its attorneys without reservation and has appealed the District Court’s erroneous order.”⁹

Underscoring the seriousness of the potential misconduct, and the inadequacy of DOJ’s response, the Rhode Island District Court entered the following order two days later: “Because of the representations made to this Court by the respondents’ attorneys, as well as the findings of the Court in its order of May 14, 2026, this matter is referred for further proceedings under R.I. Dist. Ct. Local Rule 210(b).” That review is ongoing.¹⁰

Not only is the Civil Division’s response to the court’s concerns insufficient, but its review of misconduct allegations concerning its own attorneys is highly unusual and rife with the potential for conflicts of interest. Precisely to avoid such conflicts, OPR has long had “exclusive jurisdiction to investigate allegations of misconduct made against Department attorneys and law enforcement personnel that relate to the attorneys’ exercise of their authority to investigate,

⁵ *Id.* at 1.

⁶ *Id.* at 4-6.

⁷ *Id.* at 6.

⁸ *Statement from the Civil Division on U.S. District Court Ruling in Rhode Island*, OFFICE OF PUBLIC AFFAIRS U.S. DEPARTMENT OF JUSTICE (Jun. 3, 2026), <https://www.justice.gov/opa/pr/statement-civil-division-us-district-court-ruling-rhode-island>; see also Katie Mulvaney, *Feds clear their own lawyers of wrongdoing in RI Hospital subpoena case*, THE PROVIDENCE J. (Jun. 8, 2026), <https://www.providencejournal.com/story/news/politics/courts/2026/06/08/doj-clears-its-own-attorneys-of-wrongdoing-after-ri-judges-accusations/90405117007/>.

⁹ *Id.*

¹⁰ Text Order, *In Re: Administrative Subpoena 25-1431-032 to Rhode Island Hospital*, C.A. No. 1:26-mc-00007-MSM-AEM (D. R.I. Jun. 5, 2026), https://www.bloomberglaw.com/public/desktop/document/InReMotiontoQuashAdministrativeSubpoenatoRhodeIslandHospitalDocket?doc_id=X1Q6OVF8N582.

litigate, or provide legal advice.”¹¹ OPR’s traditional function as an independent arbiter of such matters inside the Department has been essential to maintaining the integrity of attorney investigations.

In this case, the Civil Division did not explain why it deviated from this well-established practice, OPR’s apparent lack of involvement in the investigation, or the process by which the Civil Division reached the self-serving conclusion that its attorneys did not violate their duty of candor as detailed in the court’s order. This incident only compounds questions about whether OPR remains a viable avenue for holding Department lawyers accountable given that in March 2025 President Trump fired the career attorney who was the Director of OPR and still has not named a replacement,¹² as well as the recent radio silence from OPR in response to misconduct complaints.¹³

Accordingly, I urge your office to open an immediate investigation into why the Civil Division, rather than OPR, reviewed the Rhode Island district court’s serious allegations of misconduct against Civil Division lawyers practicing before that court. This investigation should include an examination of whether OPR is still operational and capable of conducting independent, reliable investigations of DOJ attorneys accused of misconduct. Should your office find that OPR is unable to perform its duties, I urge OIG to take it upon itself to investigate the underlying allegations of attorney misconduct in this case.

I appreciate your prompt attention to this matter and look forward to your findings.

Sincerely,



SHELDON WHITEHOUSE
Ranking Member
Senate Judiciary Subcommittee on
Federal Courts, Oversight,
Agency Action, and
Federal Rights

¹¹ *Jurisdiction and Relationship to the Office of the Inspector General*, OFFICE OF PROFESSIONAL RESPONSIBILITY U.S. DEPARTMENT OF JUSTICE (Jun. 5, 2019), <https://www.justice.gov/opr/jurisdiction-and-relationship-office-inspector-general>.

¹² Christine Berger & Joe Gaeta, *The Department of Justice’s Broken Accountability System*, BRENNAN CENTER FOR JUSTICE (Oct. 20, 2025), <https://www.brennancenter.org/our-work/research-reports/departments-justices-broken-accountability-system>.

¹³ On February 27, 2025, Senators Whitehouse and Blumenthal submitted an ethics complaint to OPR regarding then-Acting Deputy Attorney General Emil Bove’s conduct in dismissing pending federal charges against New York Mayor Eric Adams. See *Whitehouse, Blumenthal File Ethics Complaints Against Acting Deputy Attorney General Bove*, SHELDON WHITEHOUSE U.S. SENATOR FOR RHODE ISLAND (Feb. 27, 2025), <https://www.whitehouse.senate.gov/news/release/whitehouse-blumenthal-renew-new-york-bar-ethics-complaint-against-emil-bove/>. OPR has yet to respond to that complaint.