

United States Senate  
COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

July 14, 2025

The Honorable Chuck Grassley  
Chairman  
Senate Judiciary Committee  
135 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Grassley:

We respectfully request that you call Erez Reuveni to testify before the Senate Judiciary Committee prior to the Committee's vote on the nomination of Emil J. Bove III to be a U.S. Circuit Judge on the U.S. Court of Appeals for the Third Circuit. Mr. Reuveni has made credible allegations against Mr. Bove, which, if true, clearly disqualify him for a lifetime appointment to the federal bench. Thus, it is imperative that the Committee hear from Mr. Reuveni, under oath, before we vote on Mr. Bove's nomination.

On June 24, Mr. Reuveni—a career Justice Department attorney who vigorously defended President Trump's immigration policies during his first Administration—submitted to the Committee under the *Whistleblower Act* a disclosure which detailed serious alleged misconduct by Mr. Bove as a senior official at the Justice Department.<sup>1</sup> Last week, Mr. Reuveni provided the Committee with extensive documentation that further substantiates his claims, and he has indicated a willingness to testify about this matter.<sup>2</sup>

Documentation provided by Mr. Reuveni demonstrates that he unsuccessfully attempted to secure government compliance with court orders in three separate cases being overseen by Mr. Bove in his role as Principal Associate Deputy Attorney General. In *J.G.G. v. Trump*, a lawsuit challenging removals pursuant to the Alien Enemies Act (AEA), disclosed documents support allegations that Mr. Bove told senior DOJ officials that the Department would need to consider telling the courts “fuck you” and ignore any future order enjoining the removals.<sup>3</sup> Equally disturbing is an email provided by Mr. Reuveni from the Principal Deputy Assistant Attorney General of DOJ's Civil Division that states: “I have been told by [the Office of the Deputy Attorney General (ODAG)] that the principal associate deputy attorney general [Mr. Bove] advised [the Department of Homeland Security (DHS)] last night that the deplaning of the flights that had departed US airspace prior to the court's minute order was permissible under the law

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<sup>1</sup> See Letter from Erez Reuveni, Former Acting Deputy Director, Office of Immigration Litigation and Senior Counselor, Civil Division, Dep't of Justice, to Michael E. Horowitz, Inspector General, Department of Justice, et al. (Jun. 24, 2025) [hereinafter “Reuveni Disclosure”].

<sup>2</sup> Hereinafter “Reuveni Production.” Batch 1 is referenced below as B1; Batch 2 is B2. Page numbers correspond to the actual PDF pages.

<sup>3</sup> See e.g., Erez Reuveni, Text messages to August Flentje, Mar. 15, 2025 [Reuveni Production at B1 p. 6]; Erez Reuveni, Text messages to August Flentje, Mar. 19, 2025 [Reuveni Production at B1 p. 33]; Erez Reuveni, Text messages to Colleague, Mar. 15, 2025 [Reuveni Production at B2 pp. 8-10].

and the court's order.”<sup>4</sup> Text messages also support the claim that under Mr. Bove's leadership, the Justice Department lied to the court in a hearing on March 15 when a senior DOJ official stated that he did not know whether AEA removals would take place “in the next 24 or 48 hours.”<sup>5</sup>

In *Abrego Garcia v. Noem*, a lawsuit involving a Salvadoran national and Maryland resident deported to El Salvador despite a grant of withholding of removal barring his return to El Salvador, Mr. Reuveni alleges that there was extreme confusion amongst officials at DOJ, DHS, and the State Department (DOS) regarding how to manage Kilmar Abrego Garcia's mistaken removal.<sup>6</sup> Mr. Reuveni also alleges that senior Justice Department officials ignored his attempts to remedy Mr. Abrego Garcia's unlawful removal and instead ordered Mr. Reuveni to cease making requests to DHS and DOS, to stop requesting facts supporting a possible defense of the case, that no “asks” of El Salvador be made, and to rely on threshold jurisdictional arguments in defense of the government's case.<sup>7</sup>

In *D.V.D. v. DHS*, a lawsuit challenging the removal of noncitizens to a third country or a country not identified in their removal order without an assessment of claims under the Convention Against Torture, Mr. Reuveni provided documentation that DOJ officials were concerned that notice of the terms of the nationwide injunction in the case was not properly circulated to agency offices to effectively effectuate the injunction, per the typical practice.<sup>8</sup> In addition, text messages and emails demonstrate that DHS political appointees delayed disseminating written guidance to the agency about the applicability of the *D.V.D.* injunction at the behest of DOJ leadership.<sup>9</sup>

Before any Committee members could question Mr. Bove, you said the Committee would “respect” any invocations of “executive privilege, deliberative-process privilege, and attorney-client privilege . . . not as a courtesy, but because the law demands it.” Yet these privileges do not apply to potential misconduct or administrative matters, and only the presidential communications privilege—which the president alone may invoke—may legitimately impede congressional inquiries grounded in constitutional duties like advice and consent.<sup>10</sup> Nonetheless, Mr. Bove repeatedly gestured at but never invoked deliberative process privilege at his hearing

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<sup>4</sup> Email from Yaakov Roth, Principal Deputy Assistant Attorney General, Civil Division, Dep't of Justice, to August Flentje, Deputy Director, Office of Immigration Litigation, Dep't of Justice (Mar. 16, 2025) [Reuveni Production at B1 p. 31].

<sup>5</sup> Erez Reuveni, Text messages to Colleague, Mar. 15, 2025 [Reuveni Production at B2 pp. 8-9].

<sup>6</sup> See e.g., Email from Erez Reuveni, Former Acting Deputy Director, Office of Immigration Litigation and Senior Counselor, Civil Division, Dep't of Justice, to State Dep't Official (Apr. 2, 2025) [Reuveni Production at B1 pp. 35-36].

<sup>7</sup> Reuveni Disclosure at p. 23.

<sup>8</sup> Email from Civil Division, Dep't of Justice Official, to Joseph Mazzara, Acting General Counsel, Dep't of Homeland Security (Apr. 2, 2025) [Reuveni Production at B1 pp. 81-82].

<sup>9</sup> Erez Reuveni, Text messages to August Flentje, Mar. 29, 2025 [Reuveni Production at B2 pp. 30-31]. See also, Email from Immigration and Customs Enforcement Official, Dep't of Homeland Security, to James Percival, Dep't of Homeland Security (Mar. 29, 2025) [Reuveni Production at B2 pp. 33-35].

<sup>10</sup> As you have noted: “The so-called deliberative process privilege is no constitutional privilege at all. It is a common law doctrine and a statutory exemption under the Freedom of Information Act only. It only applies to discussions about the formulation of policy, and only before a final policy decision has been made. The privilege should not extend to allow the Department to hide its internal communications about responding to Congress.” Press Release, Senator Chuck Grassley, Grassley on Operation Fast and Furious, Six Years Later (Jun. 7, 2017), <https://www.grassley.senate.gov/news/news-releases/grassley-operation-fast-and-furious-six-years-later>.

and in answers to written questions, undermining our ability to assess whether Mr. Bove engaged in the alleged misconduct and continuing executive branch officials' use of "non-assertion" assertions of privilege to defy congressional inquiries. Calling Mr. Reuveni to testify under oath will allow members of this Committee to appraise the veracity of his claims while defending the Committee's prerogative to assess Mr. Bove's qualifications. As you have previously noted, the advice and consent process is a "constitutional imperative" that "[t]he Senate cannot properly discharge . . . without having a full picture of [a] nominee's legal philosophy," "complete access to [a nominee's] writings," and knowledge of "what kind of lawyer [a nominee] has been."<sup>11</sup>

It is critical that this Committee understands the full scope of Mr. Bove's actions at the Justice Department prior to voting on his nomination to a lifetime appointment on the federal bench. Given that Mr. Reuveni is willing to testify regarding this matter,<sup>12</sup> we urge you to invite him before the Committee before proceeding to a vote on Mr. Bove's nomination.

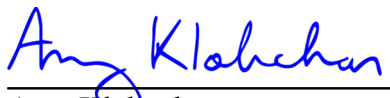
Sincerely,



Richard J. Durbin  
United States Senator



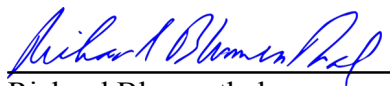
Sheldon Whitehouse  
United States Senator



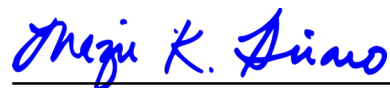
Amy Klobuchar  
United States Senator



Christopher A. Coons  
United States Senator



Richard Blumenthal  
United States Senator



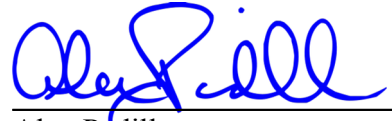
Mazie K. Hirono  
United States Senator

<sup>11</sup> Press Release, Senator Chuck Grassley, Transparency Needed From White House on Barron Nomination (May 8, 20214), <https://www.grassley.senate.gov/news/news-releases/transparency-needed-white-house-barron-nomination>.

<sup>12</sup> Devlin Barrett, *Justice Dept. Whistle-Blower Warns of Trump Administration's Assault on the Law*, N.Y. TIMES (July 10, 2025), <https://www.nytimes.com/2025/07/10/us/politics/trump-bove-reuveni-whistleblower-doj-deportations.html>.



Cory A. Booker  
United States Senator



Alex Padilla  
United States Senator



Peter Welch  
United States Senator



Adam B. Schiff  
United States Senator