Congress of the United States

Washington, DC 20515

April 16, 2025

The Honorable Pamela Jo Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Todd W. Blanche
Deputy Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Bondi and Deputy Attorney General Blanche,

We write with grave concern about your removal and firing of Acting Deputy Chief Erez Reuveni of the Office of Immigration Litigation on unethical and improper grounds. Further, we are deeply troubled by the Hobbesian choice you have created for the attorneys in the Department of Justice (DOJ), who may be forced to choose between their jobs and their oath of candor to the courts. We therefore request that you reinstate Mr. Reuveni and clarify that Department attorneys must always be honest and forthright with the court, even if that undermines the Department's position.

This specific incident stems from *Abrego Garcia v. Noem*, a case before Judge Paula Xinis in the Maryland District Court, in which the Department of Homeland Security (DHS), DOJ's client, admitted to the court that it improperly and unlawfully deported Mr. Abrego Garcia, a resident of the State of Maryland and husband to an American citizen, to the Terrorism Confinement Center (CECOT) in El Salvador – a prison whose conditions would violate an inmate's constitutional rights if it were in the United States.[1]

At a hearing on April 4, Mr. Reuveni admitted error on behalf of DHS, which failed to follow an order prohibiting Mr. Abrego Garcia's removal to El Salvador. Specifically, Mr. Reuveni made the following statements during the April 4 hearing:

- "*We have nothing to say on the merits. We concede he should not have been removed to El Salvador*." See Hr'g Tr., Apr. 4, 2025, 25: 13-14.
- "*There's no dispute that the order could not be used to send Mr. Abrego Garcia to El Salvador*." See Hr'g Tr., Apr. 4, 2025, 25:6–7.
- When asked by Judge Xinis why Abrego Garcia was held in CECOT, Mr. Reuveni replied: "*I don't know. That information has not been given to me. I don't know.*" See Hr'g Tr., Apr. 4, 2025, 34:25-35:5
- "*This person should – the plaintiff, Abrego Garcia, should not have been removed. That is not in dispute*." Hr'g Tr., Apr. 4, 2025, 19:11–13

[1] *Abrego Garcia v. Noem*, 8:25-cv-00951, (D. Maryland Mar 31, 2025) ECF No. 11.

- When asked by Judge Xinis why Mr. Abrego Garcia cannot be returned, Mr. Reuveni replied: "*Your Honor, I will say, for the Court's awareness, that when this case landed on my desk, the first thing I did was ask my clients that very question. I've not received, to date, an answer that I find satisfactory.*" Hr'g Tr., Apr. 4, 2025, at 35–36.[2]
- "*I am also frustrated that I have no answer for you on a lot of these questions. The government made a choice here to produce no evidence*."[3]

None of these statements were incorrect. In fact, on March 31, Robert L. Cerna, Acting Field Office Director at DHS, submitted a declaration to the court which stated: "Through administrative error, Abrego-Garcia was removed from the United States to El Salvador. This was an oversight."[4] Even until today, after the case has gone up to the United States Supreme Court and back to Judge Xinis, the Department has not provided the courts with any legitimate reason why Mr. Abrego Garcia cannot be returned to the United States in light of the government's error and the fact that the United States is paying El Salvador to keep him in CECOT.

Yet the day following the court conference, on April 5, Deputy Attorney General Blanche placed Mr. Reuveni on indefinite leave, citing his failure to "follow a directive from [his] superiors."[5] The following day, Attorney General Bondi appeared on *Fox News Sunday* and claimed that Mr. Reuveni's suspension was justified because he had not vigorously advocated on behalf of his client, stating that "[h]e did not argue. He shouldn't have taken the case. He shouldn't have argued it if that's what he was going to do."[6]

Yesterday, public reports revealed that you outright fired Mr. Reuveni, who has spent 15 years dedicating his life to government service and was recently elevated to a supervisory position and commended for his work.[7]

Under Rule 19-303.3 (a)(1) of Maryland's Rules of Professional Conduct regarding candor toward the court, an attorney shall not knowingly "make a false statement of fact or law to a tribunal."[8] While an attorney must balance their obligation to persuasively present their client's case within their duty of candor to the tribunal, under *no circumstances* may the attorney "allow the tribunal to be misled by false statements of law or fact or evidence that the attorney knows to be false."[9] Here, Mr. Reuveni had no choice but to abide by his duty of candor to the court, which conflicted with a "directive from his superiors."

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[2] *Abrego Garcia v. Noem*, 8:25-cv-00951, (D. Maryland Apr 06, 2025) ECF No. 31.

[3] Josh Gerstein & Kyle Cheney, *Maryland man illegally deported to El Salvador must be returned to US, judge rules*, POLITICO (Apr. 4, 2025), https://www.politico.com/news/2025/04/04/el-salvador-deportation-ruling-trump-administration-00272872.

[4] *Abrego Garcia v. Noem*, 8:25-cv-00951, (D. Maryland Mar 31, 2025) ECF No. 11.

[5] Glenn Thrush, *Justice Dept. Accuses Top Immigration Lawyer of Failing to Follow Orders*, N.Y. TIMES (Apr. 5, 2025), https://www.nytimes.com/2025/04/05/us/politics/justice-dept-immigration-lawyer-leave.html?smid=nytcore-ios-share&referringSource=articleShare&sgrp=p&pvid=76A46FDB-39BC-473B-AA67-C47029BE24C6.

[6] Rebecca Beitsch, *DOJ suspends lawyer for failing to 'vigorously' argue case of mistakenly deported man*, THE HILL (Apr. 7, 2025), https://thehill.com/regulation/court-battles/5235778-doj-suspends-lawyer-deportation-case/.

[7] Sadie Gurman, *He Represented Contentious Immigration Cases for the Government. His Candor Lost Him His Job*, WALL ST. J. (Apr. 15, 2025), https://www.wsj.com/us-news/law/this-lawyer-defended-republicans-and-democrats-his-candor-cost-him-his-job-b3515a38?st=zKujSV.

[8] MD ATT'YS RULES OF PROF'L CONDUCT r. 19-303.3 3 (a)(1).

[9] MD ATT'YS RULES OF PROF'L CONDUCT r. 3.3 cmt. 2.

Further, Maryland's Rule 19-303.3 (a)(4) prohibits an attorney from offering evidence known by that attorney to be false. The Rules also allow an attorney to refuse to offer evidence that the attorney "reasonably believes" is false under (3.3) (c). In response to the court's questions, Mr. Reuveni either stated that he did not have answers or that the information provided to him by the Department was not "satisfactory." In either case, the Rules require Mr. Reuveni to adhere to his obligation of candor to the court.

Attorney General Bondi further clarified that "every Department of Justice attorney is required to zealously advocate on behalf of the United States," and "[a]ny attorney who fails to abide by this direction will face consequences."[10] While Ms. Bondi is correct that DOJ attorneys have a duty to zealously advocate on behalf of the United States, that directive must yield to every attorney's independent obligation to be candid and honest with the court, as required by the rules authorizing that attorney to practice law. In other words, if the Department takes a position that is either unlawful or unsupported by the facts and circumstances of a case, the attorney is prohibited from zealously arguing for that position.

In this case, however, Mr. Reuveni was improperly suspended, and eventually fired, for doing just that.

Having admitted error in this case, there is simply no legitimate justification for refusing to request that El Salvador return Mr. Abrego Garcia to his family in Maryland where he can receive due process and proceed through the immigration system according to the law. That Mr. Reuveni was fired because he had the human decency to recognize that there was no defense for the Administration's position underscores the danger that your firing of Mr. Reuveni presents to attorneys throughout the Department, who are now put in a position where they may have to choose between their jobs and their bar license. This is unacceptable.

In order to correct your improper employment action, and to set an appropriate message for other attorneys representing the Department, we request that you immediately reinstate Mr. Reuveni. As the legal advisor for the Executive Branch, we further encourage you to advise the President that he must follow the Supreme Court's unanimous order to "facilitate" Mr. Abrego Garcia's safe return from El Salvador, including, if necessary, by stopping payments to El Salvador for Mr. Abrego Garcia's detention.

Sincerely,

Dan Goldman
Member of Congress

Hillary J. Scholten
Member of Congress

[10]Glenn Thrush, *Justice Dept. Accuses Top Immigration Lawyer of Failing to Follow Orders*, N.Y. TIMES (Apr. 5, 2025), https://www.nytimes.com/2025/04/05/us/politics/justice-dept-immigration-lawyer-leave.html?smid=nytcore-ios-share&referringSource=articleShare&sgrp=p&pvid=76A46FDB-39BC-473B-AA67-C47029BE24C6.

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