NEW YORK CITY BAR

July 13, 2026

The Honorable Charles E. Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dick Durbin
Ranking Member, Committee on the Judiciary
United States Senate
S-321, The Capitol
Washington, DC 20510

Re: Nomination of Todd Blanche to be Attorney General of the United States

Dear Chairman Grassley and Ranking Member Durbin:

We write on behalf of the New York City Bar Association (City Bar) to address the nomination of Todd Blanche to serve as Attorney General of the United States. Mr. Blanche has taken actions that we believe make him unfit to lead an ethical and independent department of justice that is essential to our nation's democracy. We urge the Committee to reject the nomination of Mr. Blanche. Mr. Blanche's record—particularly the actions he has undertaken as Deputy Attorney General and Acting Attorney General—conclusively demonstrates his lack of commitment to the integrity, professionalism and independence that the Senate should require and the American people should expect of the highest law enforcement official in the land.

In overseeing the Department of Justice, the Attorney General is responsible for enforcing our laws in a fair and evenhanded manner. The Attorney General must ensure that the legal judgments of the Department of Justice are "impartial and insulated from political influence" so that the Department's "investigatory and prosecutorial powers [are] exercised free from partisan consideration."[1]

This obligation rests on principles foundational to our democracy and imbues the Attorney General with a uniquely important role. The Attorney General personifies for Americans our

[1] Section 1-8.100 of the United States Department of Justice's Justice Manual explains that "the rule of law depends upon the evenhanded administration of justice. The legal judgments of the Department of Justice must be impartial and insulated from political influence. It is imperative that the Department's investigatory and prosecutorial powers be exercised free from partisan consideration. It is a fundamental duty of every employee of the Department to ensure that these principles are upheld in all of the Department's legal endeavors." https://www.justice.gov/jm/jm-1-8000-congressional-relations#1-8.100 (all websites last visited July 12, 2026).

About the Association
The mission of the New York City Bar Association, which was founded in 1870 and has over 20,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

commitment to the rule of law and equal justice under the law. The Attorney General must therefore be a lawyer of both demonstrated professional excellence and unquestionable ethical standards that assure his commitment to justice and loyalty to the United States Constitution, and not to either his personal interests or those of the President who nominated him.[2]

Todd Blanche fails to meet this standard. Despite his formal credentials, Mr. Blanche's actions, both as Deputy Attorney General and as Acting Attorney General, have repeatedly demonstrated that his primary loyalty is not to the United States Constitution or the rule of law but to President Donald J. Trump, whom Mr. Blanche previously represented as a private attorney and whose personal interests he has continued to protect. As a result, his actions have been detrimental to the Department of Justice and the rule of law. Specifically, Mr. Blanche has compromised the integrity and independence of the Department he has been nominated to lead.[3]

We reach this conclusion because, as explained below, Mr. Blanche has:

I. Abused the Department's prosecutorial power through politically motivated prosecutions and investigations;

II. Failed to respect the Constitutional rights of citizens and all other people present in the United States protesting widespread abuses by ICE and other customs officers;

III. Placed loyalty to President Trump over commitment to the rule of law in the Epstein investigation and the "settlement" of Trump v. I.R.S.;

IV. Undermined the independence and integrity of the Department of Justice by, among other things, terminating or reassigning lawyers and others who participated in January 6 investigations or otherwise acted in a manner perceived to be disloyal to Mr. Trump; and;

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[2] Section 1-4.010 of the Justice Manual specifies that:

> "Department employees must comply with the rules of Government ethics, and Department attorneys also must comply with applicable rules of professional conduct. *Government ethics rules implement this common value: public service is a public trust, meaning that the decisions and actions that federal employees take must be made in the best interests of the American people."* *See* Justice Manual, Department of Justice, Tit. 1: Organization and Functions (Standards of Conduct), https://www.justice.gov/jm/jm-1-4000-standards-conduct#1-4.010 (emphasis added).

[3] As Deputy Attorney General under Attorney General Pam Bondi, Mr. Blanche bears direct responsibility for actions taken by the Department of Justice under his watch, and that responsibility cannot be minimized or disclaimed. *See* "About the Office," Office of the Attorney General, United States Department of Justice, https://www.justice.gov/dag ("The Deputy Attorney General advises and assists the Attorney General in formulating and implementing Departmental policies and programs and in providing overall supervision and direction to all organizational units of the Department. The Deputy Attorney General is authorized to exercise all the power and authority of the Attorney General, except where such power or authority is prohibited by law from delegation or has been delegated to another official. In the absence of the Attorney General, the Deputy Attorney General acts as the Attorney General").

V. Undermined public trust in the Department of Justice and the rule of law through conduct contrary to the Rules of Professional Conduct applicable to Mr. Blanche and the Department's own Justice Manual.

I. POLITICALLY MOTIVATED PROSECUTIONS

An important warning about the dangers of politically motivated abuse of a prosecutor's role was issued by Attorney General (and later Supreme Court Justice) Robert Jackson in 1940, who told a meeting of all U.S. Attorneys that the prosecutorial power they possessed must never be abused:

> "There is a most important reason why the prosecutor should have, as nearly as possible, a detached and impartial view of all groups in his community. … One of the greatest difficulties of the position of prosecutor is that he must pick his cases, because no prosecutor can even investigate all of the cases in which he receives complaints. …. If the prosecutor is obliged to choose his cases, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted. … In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books**,** or putting investigators to work, to pin some offense on him. *It is in this realm – in which the prosecutor picks some person whom he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the greatest danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the* predominant or governing group, being attached to the wrong political views, or being *personally obnoxious to or in the way of the prosecutor himself*." (emphasis added)[4]

Attorney General Jackson's caution has been ignored and even flouted by Mr. Blanche. Under his direction, former FBI Director James Comey has twice been indicted – once on flimsy charges that a career U.S. Attorney declined to prosecute and were later dismissed by the federal district court in Virginia, and once again on patently frivolous charges of threatening the President's life by posting a photo of a stranger's shell collection depicting "86 47." The City Bar strongly criticized both such actions, warning after the first indictment that "weaponization of the Justice Department to exact retribution against the President's perceived political foes reflects a profound betrayal of the American principle of prosecutorial independence and an alarming

[4] "The Federal Prosecutor," Robert H. Jackson Center at 4-5; https://www.roberthjackson.org/speech-and-writing/the-federal-prosecutor/.

departure from the rule of law."[5] After the second indictment, we noted the "new set of charges against the same individual reinforces the perception the machinery of federal criminal law is being deployed not in the service of impartial justice, but as part of a broader campaign of retaliation."[6]

The Comey indictments are not the only cases of prosecutorial abuse under Mr. Blanche's control. John Brennan, the former director of the FBI under President Obama, is reportedly under investigation after being castigated by President Trump, his National Security Advisor and Mr. Blanche for investigating the ties between Russian agents and the Trump presidential campaign in 2016 and allegedly giving false testimony to Congress. Cassidy Hutchinson, a mid-level White House staffer during the first Trump term, has been investigated for the apparent sin of testifying before the House of Representatives January 6 Committee and contradicting the President's account of the events of January 6th. These actions exemplify the very prosecutorial abuse and politicization of the Justice Department that Attorney General Jackson warned against.

II. VIOLATING CONSTITUTIONAL RIGHTS AND COURT ORDERS

The City Bar has previously commented on the Trump Administration's repeated violations of individual constitutional rights and its subsequent failure to comply with, and in some cases threats to defy, federal court orders aimed at protecting those rights.[7] We also condemned the remarks delivered by then-Deputy Attorney General Blanche in which he described the Administration as being at "war" with the federal judiciary, and when he and then-Attorney General Pam Bondi vilified federal judges as "rogue judges who fail to live up to their obligations of impartiality" in a continuing effort to use social media to strong-arm judges whose decisions they did not like.[8] As Deputy Attorney General at the time, Mr. Blanche bears responsibility for these failures and abuses by himself and by his subordinates.

Mr. Blanche's personal responsibility for the Department's misconduct is particularly evident in the improper deportation and subsequent mistreatment of Kilmar Armando Abrego Garcia.[9] As has been thoroughly reported, both in the press and judicial decisions, Mr. Abrego Garcia was wrongly deported in March 2025 by the Trump Administration and sent to El Salvador's notorious CECOT prison for terrorists, despite the truthful admission by the Justice

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[5] *See* "A Weaponized Justice Department is Antithetical to the Rule of Law," New York City Bar Association, Sept. 29, 2025, https://www.nycbar.org/press-releases/a-weaponized-justice-department-is-antithetical-to-democracy/.

[6] *See* "On the Second Indictment of James Comey," New York City Bar Association, Apr. 30, 2026, https://www.nycbar.org/press-releases/on-the-second-indictment-of-james-comey/.

[7] *See* "The Crisis Deepens: Congress Must Act Now to Address Escalating Abuses of Executive Power," New York City Bar Association, Mar. 9, 2026, https://www.nycbar.org/reports/the-crisis-deepens-congress-must-act-now-to-address-escalating-abuses-of-executive-power/.

[8] *See* "Deputy Attorney General's 'War' on the Judiciary is an Assault on Judicial Independence," New York City Bar Association, Nov. 17, 2025, https://www.nycbar.org/press-releases/deputy-attorney-generals-war-on-the-judiciary-is-an-assault-on-judicial-independence/; *see also* "Attacking Judges is Antithetical to Constitutional Democracy," New York City Bar Association, Dec. 9, 2025, https://www.nycbar.org/press-releases/attacking-judges-is-antithetical-to-constitutional-democracy/.

[9] For a full discussion of the *Abrego Garcia* case see Ethics Complaint, Registration No. 4192456, filed June 22, 2026 with the Attorney Grievance Committee of the NY Supreme Court (App.Div.1) at 46-49, https://dea5edf3-e27d-4adc-a42a-b9c082bc3167.usrfiles.com/ugd/dea5ed_b024aad49d1049c1ab03f01e8f1aa7fc.pdf.

Department's career lawyer handling the case that Mr. Abrego Garcia's removal was a mistake (the lawyer was immediately placed on administrative leave by Mr. Blanche and ultimately removed from the Department). After further delays in which a District Court in Maryland found that the Department was engaging in a "willful and bad faith refusal to comply with its discovery obligation,"[10] Mr. Abrego Garcia was ultimately returned to the United States and charged with an unrelated crime by the Department in the Middle District of Tennessee, which Mr. Blanche said was brought after an investigation provoked by the Maryland District Court judge's criticism of the government's earlier conduct. After reviewing the proceedings, the Tennessee District Court found that "Blanche started the investigation to implicate Abrego" and that "[a]bsent Blanche's tainted investigation, [the Department] would not have sought an indictment against Abrego."[11] Mr. Blanche's conduct, in short, was exactly the kind of politically motivated prosecutorial abuse about which Attorney General Jackson warned in 1940.

III. MISPLACED LOYALTY

The Attorney General's client is not the President individually but the government of the United States and, by extension, the people of the United States.[12] Put another way, when the Attorney General is sworn into office, he swears allegiance to the United States Constitution, not to the President who nominated him to his office. His fiduciary duty as a lawyer, therefore, is to the United States government and people of the United States, not the President, whether in his role as president or in his personal capacity. Two recent matters demonstrate Mr. Blanche's misplaced loyalty—and his failure to accept this foundational principle of both his current position and the role of Attorney General in our system of government.

Mr. Blanche assumed a leading and undisclosed role in seeking to protect President Trump individually from unflattering or potentially incriminating disclosures in connection with the criminal investigation of Jeffrey Epstein. As recently revealed in the press, as Acting Attorney General, Mr. Blanche met privately with a small number of senior White House staff in the secure White House "situation room" for the purpose of planning strategy to protect the President from any compromising disclosures in the then still-secret Epstein files or from any adverse testimony from Epstein's co-defendant Ghislaine Maxwell.[13] Even aside from the substance of those discussions and Mr. Blanche's subsequent meeting with Ms. Maxwell, it is clear from the circumstances, the attendees and the purpose of the situation room strategy session that Mr. Blanche's loyalty was not to the pursuit of justice for the Epstein victims or to the fair

[10] Order, *Abrego Garcia v. Noem*, No. 8:25-cv-00951 at 2 (D. Md. Apr. 22, 2025), https://storage.courtlistener.com/recap/gov.uscourts.mdd.578815/gov.uscourts.mdd.578815.100.0_3.pdf.

[11] *United States v. Abrego Garcia*, No. 3:25-cr-00115 at 31-32 (May 22, 2026), https://storage.courtlistener.com/recap/gov.uscourts.tnmd.104622/gov.uscourts.tnmd.104622.312.0_5.pdf.

[12] *See* e.g., *Berger v. U.S.*, 295 U.S. 78, 88 (1935) (government attorneys are representatives "not of an ordinary party to a controversy, but of a sovereignty whose obligation [is] to govern impartially"); *see also* Justice Manual, *supra* note 2.

[13] *See* Maggie Haberman and Jonathan Swan, "Inside the White House Freakout Over the Epstein Files," New York Times, June 10, 2026, https://www.nytimes.com/2026/06/10/magazine/trump-epstein-files-white-house-vance-doj.html.

administration of justice but to the individual whom he previously represented in his private capacity and who has now nominated him for the position of Attorney General.

The same misplaced loyalty is strikingly clear in connection with the "settlement" of *Trump v. I.R.S.*, the private action that Donald Trump, his sons, and the Trump Organization brought against the Internal Revenue Service for over $1 billion in damages alleging that the agency was responsible for an IRS contractor leaking their tax returns between 2019 and 2020. Rather than contesting that claim, as reportedly urged by career Internal Revenue Service lawyers, because the lawsuit was brought after the statute of limitations had expired and the improper tax release was made by a third party contractor's employee and not by the government, Mr. Blanche directed the Department of Justice to "settle" the case after the claims were "voluntarily withdrawn" by the Trump-related plaintiffs before it could be dismissed by the federal district court. Since a settlement agreement required court approval, and Mr. Blanche was apparently unwilling to expose its terms to judicial review, Mr. Blanche instructed the Department's lawyer to tell the court that there was no settlement agreement between the parties and that the case was simply being voluntarily withdrawn by Mr. Trump, his sons and his company. The next day, in an addendum to the "settlement agreement" which established the now well-known $1.776 billion "weaponization" fund to compensate "victims" of past government enforcement actions, including convicted January 6 participants, Mr. Blanche ordered the IRS to permanently end and release Mr. Trump, his family and his affiliated business entities from all pending or potential audits that the government might have against any of them.[14]

The public reaction was swift and condemning, and properly so. The "weaponization" fund relied on funds appropriated to the Justice Department to settle routine claims against the government, not to pay unsupported demands for "compensation" by convicted felons, and the newly created board to distribute that fund would be effectively controlled by the President, not the Department of Justice. The purported release of all claims against Mr. Trump, his family and his businesses, without any consideration in exchange and without any indication that the IRS had completed appropriate tax audits of the beneficiaries, was appropriately seen as a substantial gift to a family already gaining extraordinary wealth from Mr. Trump's presidency. The revelation that these arrangements were pursuant to a "settlement agreement" flatly contradicted the Justice Department's representations to the federal court, leading a bipartisan group of retired federal judges to petition the court to reopen the case because of the fraud Mr. Blanche and his subordinates had committed on the court and the public in order to implement the undisclosed settlement.[15]

Our focus here is less on the terms of the purported settlement agreement—which itself raises serious questions of legality and propriety—than on Mr. Blanche's orchestration of this transaction. What is evident from even this brief summary is that Mr. Blanche again demonstrated that his loyalty is to Mr. Trump individually and not to the Constitution or the rule of law. He was willing not only to craft and carry out a "settlement agreement" that is clearly prejudicial to the

[14] *See* Andrew Duehren, "Audit Immunity for Trump Family Puts I.R.S. in a Bind," New York Times, May 21, 2026, https://www.nytimes.com/2026/05/21/business/trump-irs-audit-immunity.html?smid=nytcore-ios-share.

[15] *See* Alan Feuer, "Former Judges Urge Inquiry into Deal Trump Struck with I.R.S.," New York Times, May 27, 2026, https://www.nytimes.com/2026/05/27/us/politics/judges-trump-deal-irs.html?smid=nytcore-ios-share.

public interest (and inconsistent with Department of Justice practice) but also to affirmatively mislead the federal court as to the existence of that agreement. This is conduct that no Department of Justice lawyer—indeed, any lawyer—may take without facing discipline and, likely, termination of employment. We find it inconceivable therefore that Mr. Blanche could be deemed qualified to lead the Justice Department as Attorney General.

IV. UNDERMINING THE DEPARTMENT OF JUSTICE

Not surprisingly, Mr. Blanche's actions have also had an adverse effect on the Department he is nominated to lead. During Mr. Blanche's tenure, some 16,000 employees have left the Department, including FBI agents, investigators, analysts and some 4,000 lawyers. Some have left because of their belief that Mr. Blanche has eroded the professional standards and independence of the Department. Others have been terminated because they worked on matters, including the January 6 insurrection, that the President criticized, because they were related to the President's perceived enemies, resisted short-circuiting immigration cases, declined to bring vindicative charges, were truthful in court, or were simply discouraged by the Department's new reluctance to enforce environmental, civil rights, public corruption, drug trafficking or tax laws.[16] Mr. Blanche himself boasted about the firings, noting that the administration had "cleaned house."[17] According to a whistleblower complaint, this depletion of the Department's professional staff has been compounded by the failure to have a functioning Inspector General in place to investigate and report on any abuses within the Department itself under Mr. Blanche and former Attorney General Pam Bondi.[18]

As a result, in less than two years, the Department of Justice's credibility with the courts and with the public, established over the course of decades, has been shattered. Federal judges now frequently call out Department of Justice attorneys for false, incomplete and misleading statements in court.[19] The impacts of this hollowing-out of the Department of Justice's professional capability radiate through the federal government and, in a broader sense, throughout American society, with judges regularly rebuking lack of professionalism by DOJ attorneys and grand juries refusing to hand down indictments.

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[16] For a summary of the Department's loss of professional staff under Mr. Blanche, *see* Fact Sheet on Todd Blanche's Devastating Leadership at the Justice Department, Justice Connection, https://www.thejusticeconnection.org/fact-sheet-on-todd-blanches-devastating-leadership-at-the-justice-department/; *see also* Press Release, "1,200+ Former DOJ Employees Oppose Todd Blanche Nomination," Justice Connection, July 7, 2026, https://www.thejusticeconnection.org/1200-former-doj-employees-oppose-todd-blanches-nomination/ (includes link to letter sent to Senate Judiciary Committee).

[17] *See* Rebecca Beitsch, "Blanche boasts of having 'cleaned house' at DOJ, FBI following Trump prosecutions," The Hill, Mar. 26, 2026, https://thehill.com/homenews/administration/5802553-todd-blanche-cpac-doj-fbi-firings/.

[18] *See* Katelyn Polantz, "DOJ whistleblower complains to Congress that internal watchdog isn't doing its job," CNN.com, Mar. 30, 2026, https://www.cnn.com/2026/03/30/politics/doj-whistleblower-inspector-general-complaint/.

[19] *See* Mattathias Schwartz, "Losing Trust in Justice Dept., Judges Call Out Its Lawyers Behavior," New York Times, June 1, 2026, https://www.nytimes.com/2026/06/01/us/justice-department-lawyers-judges-trump.html; *see generally*, Just Security, "The 'Presumption of Regularity' in Trump Administration Litigation" (4th ed.) March 19 , 2026, https://www.justsecurity.org/120547/presumption-regularity-trump-administration-litigation/ (tracking judicial concerns about DOJ noncompliance with court orders, distrust in information provided by DOJ and representations by its lawyers).

If our federal government will not or cannot enforce the law, respect for law declines throughout our culture. As Justice Louis Brandeis noted in his justly famous dissent in *Olmstead v. U.S.*:[20]

> Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by example. …If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.

It is the Attorney General's responsibility to see that our nation never reaches the state that Justice Brandeis warned against and to assure that the Department of Justice, above all, exemplifies respect for law. Mr. Blanche is incapable of fulfilling that responsibility.

V. PROFESSIONAL ETHICS

Mr. Blanche's conduct as described above has also raised serious questions about his compliance with the professional ethics requirements for New York attorneys, the state where Mr. Blanche long practiced and where he holds his professional license. The New York Rules of Professional Conduct are administered by the Appellate Divisions of the New York Supreme Court, each of which maintains an Attorney Grievance Committee to evaluate complaints that an attorney has failed to comply with that Code and, where appropriate, to impose sanctions up to and including disbarment. On June 22, 2026, more than 100 former federal and state judges filed a detailed complaint against Mr. Blanche with the Grievance Committee of the Appellate Division's First Department and requested that it take appropriate disciplinary action against Mr. Blanche.[21]

While the City Bar has no role in adjudicating such complaints, we note that many of the actions discussed above are also the basis for the former judges' ethics complaint, including Mr. Blanche's misconduct in *Trump v. I.R.S.*, his failure to recuse himself from participation in that settlement (which included the Mar-a-Lago matter in which Mr. Blanche represented Mr. Trump personally), his abuse of the Department of Justice to pursue politically motivated prosecutions, and his personal loyalty to President Trump rather than to the Department of Justice and the rule of law. So long as this grievance proceeding is under consideration by the Appellate Division, confirmation of Mr. Blanche for Attorney General is clearly inappropriate.[22]

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[20] *Olmstead v. United States*, 277 U.S. 438, 485 (1928) (Brandeis, J., dissenting).

[21] Ethics Complaint, Registration No. 4192456, filed June 22, 2026 with the Attorney Grievance Committee of the NY Supreme Court (App.Div.1), https://dea5edf3-e27d-4adc-a42a-b9c082bc3167.usrfiles.com/ugd/dea5ed_b024aad49d1049c1ab03f01e8f1aa7fc.pdf.

[22] We note that Mr. Blanche was apparently actively involved in the Justice Department's recent effort to effectively insulate Department lawyers, including himself, from their normal ethical requirements in the states where they are licensed. On April 6, 2026, the City Bar sharply criticized those efforts as contrary to law and the role of the Department in our society. *See* https://www.nycbar.org/reports/comment-on-the-department-of-justices-proposed-rule-regarding-state-bar-complaints-against-doj-attorneys/?back=1. *See also* the Brennan Center's statement about the proposed rule at https://www.brennancenter.org/our-work/research-reports/justice-department-attempts-shield-its-lawyers-accountability-misconduct.

Notably, Mr. Blanche breached the commitment he made at his confirmation hearing for the Deputy Attorney General role that he would follow guidance from career ethics staff regarding whether he needed to recuse himself from Trump-related cases. He not only disregarded the guidance from the DOJ ethics official responsible for providing advice on the issue, but the official was subsequently terminated and DOJ's Office of Professional Responsibility dismantled.[23] The position of director of the office has been vacant for more than a year.

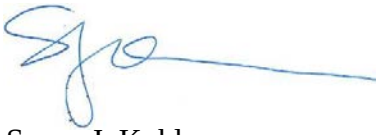
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Under normal circumstances, each of these improper actions by Mr. Blanche as Deputy Attorney General and Acting Attorney General would be grounds for disqualifying him from serving as Attorney General. Together, they demonstrate that, whatever his prior experience or formal credentials, Mr. Blanche is unfit to lead the U.S. Department of Justice. As the group of 100 retired judges said in their grievance complaint, "The country deserves an Attorney General who is above reproach and serves the country without fear or favor, without placing party or personal interest above the law of the nation." Mr. Blanche does not meet that test.

Sincerely,



Matthew Diller
President
New York City Bar Association



Susan J. Kohlmann
Chair, Rule of Law Task Force
New York City Bar Association

Cc: Members of the Senate Judiciary Committee

[23] *See* Katelyn Polantz, Evan Perez, and Hannah Rabinowitz, "Exclusive: Acting AG Todd Blanche was told last year to recuse from Justice Department matters involving Trump," CNN.com, updated May 14, 2026, https://www.cnn.com/2026/05/14/politics/todd-blanche-recusal-trump-investigations-brennan.