



February 2nd, 2025

Emil Bove
Acting Deputy Attorney General
U.S. Department of Justice
Washington, D.C. 20505
VIA E-MAIL

Dear Mr. Bove:

We write to you today to express our grave concerns about the terminations of career U.S. Department of Justice prosecutors and Federal Bureau of Investigation agents that have already occurred including and with respect to personnel actions that are said to be scheduled to occur as early as tomorrow, February 3, 2025. We represent individuals affected by this course of conduct. These actions appear to be in violation of the due process rights of those to be unlawfully discharged. Moreover, if information about these individuals is made publicly available, it also threatens the safety of dedicated career public servants and potentially of their innocent family members. The continuation of this course of action is a direct assault on the national security of the American citizens you have sworn to faithfully and unselfishly serve.

Credible reports indicate that the FBI has been directed to systematically terminate all Bureau employees who had any involvement in certain investigations related to President Donald Trump, specifically including but not limited to the riot at the Capitol on January 6, 2021, and the lawful search of President Trump's residence at Mar-a-Lago. Most concerning, it has been reported that the Justice Department is planning to publicly disseminate the names of those employees they plan to or will actually be terminating, despite the risk of stigmatization. Such action, which would be contrary to various laws, including the Privacy Act of 1974, 5 U.S.C. § 552a, would directly put the safety of all impacted individuals at risk as well as their family members.

As you well know, FBI agents routinely investigate violent and sophisticated criminals—many of whom are ultimately prosecuted and incarcerated, and harbor animosity against law enforcement. These agents include individuals with decades of sensitive investigative experience at the FBI and public exposure of their identities would subject them to immediate risk of doxing, swatting, harassment, or possibly worse. Indeed, this prospect has already been promoted and threatened by some who were convicted of crimes for their activities on January 6, 2021.

The public servants the Department is seeking to remove properly fulfilled their oath to uphold and defend the rule of law. As with any civil servant, FBI employees are afforded statutory and constitutional rights. Therefore, any adverse employment action, including removal, must respect all required standard procedural and substantive due process protections. These include at a minimum, but are not limited to,

the issuance of a written proposal of disciplinary action or termination; an opportunity for the employee to respond and be represented by counsel (at his or her own expense); an opportunity for the employee to personally appear before a deciding official; and an opportunity to appeal any adverse decision that emerges out of that process.

If you proceed with terminations and/or public exposure of terminated employees' identities, we stand ready to vindicate their rights through all available legal means. Of all people and entities, the Department of Justice and the FBI have a sacred obligation to keep the American people safe. You also have personally taken an oath to support and defend the Constitution, and you have ethical responsibilities as a Department employee and a member of the bar.

Respectfully, the Department of Justice must not take any actions that would run counter to established policies, norms and the law. This letter is placing on notice the Department and those individuals implementing any such decisions that they will be held to account through all available legal means.

Sincerely,

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cc: James McHenry, Acting Attorney General
Brian Driscoll, Acting Director, FBI
Edward Martin, Acting U.S. Attorney for the District of Columbia