

Summary of Documents Substantiating Erez Reuveni's Whistleblower Disclosure

Mr. Reuveni, formerly the Acting Deputy Director for the Office of Immigration Litigation (OIL) of the Department of Justice (DOJ), provided documents to the Ranking Member as an addendum to his June 24 protected disclosure.

The texts, emails, and other documents demonstrate Mr. Reuveni's unsuccessful attempts to secure government compliance with court orders in three separate cases: 1) *J.G.G. v. Trump* (lawsuit challenging the removal of Venezuelan nationals believed to be members of Tren de Aragua, pursuant to the Alien Enemies Act (AEA)); 2) Kilmar Abrego Garcia's case (a Salvadoran national and Maryland resident deported to El Salvador despite a grant of withholding of removal barring his return to El Salvador); and 3) *DVD v. DHS* (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). The evidence shows the futility of Mr. Reuveni's efforts and his growing realization through correspondence with other departments that Trump Administration officials, including DOJ leadership, did not plan to comply with court orders.

Batch 1 is referenced below as B1; Batch 2 is B2. Page numbers correspond to the actual pdf pages. The chart at the beginning of each batch was provided by Mr. Reuveni's counsel as part of the disclosure.

Bove's "f* you" statement.**

- The disclosed documents support allegations that Principal Associate Deputy Attorney General Emil Bove stated in a March 14 meeting with senior DOJ officials that the Department would need to consider telling the courts "f*** you" and ignore any order to enjoin the removal of individuals pursuant to the AEA. Text exchanges between Mr. Reuveni and his supervisor, August Flentje—both of whom were present at the March 14 meeting—reference the "f*** you" comment when it became clear they could not confirm whether individuals subject to AEA were on a flight to El Salvador in violation of a court order. [B1, p.6]
- Other text exchanges with colleagues also reference Bove's "f*** you" statement. [B1, p.33; B2 pp.8-10]

Alien Enemies Act Litigation.

- Numerous emails confirm Mr. Reuveni's attempts to obtain reassurances from his DHS, State, and DOJ colleagues that no one subject to the AEA in government custody would be removed in violation of the injunction in *J.G.G. v. Trump*. Mr. Reuveni continued to request information about three flights, including two in the air when Judge Boasberg issued his oral order, to no avail. [B1, pp.14-31]
- Emails indicate the government adopted the position that deplaning flights that left U.S. airspace prior to the court's order enjoining AEA removals was lawful. [B1, pp.14-31]
- One email clearly describes Bove's role in advising DHS that deplaning flights that left U.S. airspace prior to the court's minute order docketing was lawful. [B1, p.31]

- Texts support Mr. Reuveni's statement that DOJ lied to the court in a hearing on March 15 in *J.G.G. v. Trump* when DOJ official Drew Ensign stated that he did not know whether AEA removals would take place "in the next 24 or 48 hours." The messages indicate shock and surprise that DOJ would take that position when Mr. Ensign knew there were plans for AEA removals within the next 24 hours. [B2, pp.8-9].

Kilmar Abrego Garcia

- With respect to the removal of Abrego Garcia, the disclosed documents reveal extreme confusion amongst officials at DHS, State, and DOJ regarding how to manage Mr. Garcia's mistaken removal. Officials discussed various options, including 1) approaching El Salvador to release him; 2) reaching out to El Salvador to ensure Mr. Garcia's safety; 3) and arguing nothing could be done because Mr. Garcia was in another country's custody. [B1, pp.35-36]
- Mr. Reuveni repeatedly reached out to senior Administration officials to ask if, in briefing to the court, he could state the government would correct the "error" of Mr. Garcia's deportation and discussed the legal consequences if he was not returned. [B1, pp.36-40]
- Email exchanges show DHS's attempts to falsely label Mr. Garcia a MS-13 leader and downplay the Department's mistake in removing him to El Salvador. [B1, pp.38-42, 50-55]
- The emails provide evidence of DHS's desire to make unsupported statements that Mr. Garcia would be safe while detained at CECOT but also show that officials could not make assurances that Mr. Garcia could be protected there. [B1, pp.48-62]
- State and DHS officials stated in email exchanges that Mr. Garcia should be brought back to the United States and that the U.S. government should ensure his safety until that happens. Simultaneously, DHS discussed the need to revoke his withholding of removal while admitting there was no formal process for taking this step. [B1, pp.66-77]

Third Country Removals.

- Emails also disclose concern amongst DOJ officials that notice of the terms of the nationwide injunction in *DVD v. DHS* was not properly circulated to agencies to effectively effectuate the injunction, per the typical practice. [B1, pp.81-82]
- Emails show DOJ was unable to respond to *DVD* counsels' questions regarding public reporting of the removal of individuals with final orders of removal to third countries, an action that would violate the court order in *DVD*. [B2, pp.43-44]
- Emails show heated exchanges between DHS and DOJ debating how to characterize the injunction in *DVD*. DOJ attorneys expressed disbelief that DHS was taking the position that the injunction applied only to named plaintiffs and was not universal in scope. DHS stated that they had received conflicting advice from DOJ. [B2, pp.12, 37-41]
- The disclosure also shows Mr. Reuveni's attempts to determine whether DHS was planning to remove any individual with a final removal order other than an expedited removal order and ended with him conceding that without confirmation from DHS and DOJ, he could not file a brief stating the injunction applied to all removals. [B2, pp.14-25]

- Texts and emails provided evidence that DHS was delaying disseminating written guidance to the agency about the applicability of the *DVD* injunction at the behest of DOJ leadership and that written guidance was not distributed, but that DHS was providing *verbal* guidance. [B2, pp.30-31 and 33-35]
- Emails provided additional evidence that DHS disregarded its responsibility to comply with the injunction in *DVD*. A DOJ attorney stated that she spoke to an ICE attorney who knew nothing about the injunction until he found the *DVD* order while researching another case on Westlaw, and that he then reached out to his leadership who reached out to HQ and were told that ERO was not removing people to third countries. The attorney confirmed that no one at ERO had received information regarding the order barring third country removals. [B2, p.46]

Mr. Reuveni's removal from his position.

- A disclosed text exchange supports the conclusion that Mr. Reuveni was placed on administrative leave because he attempted to advise client agencies to follow a court order in the Abrego Garcia case. Mr. Flentje stated in a text that he believed there was a “through line” from the March 15 meeting with Mr. Bove where he [Mr. Flentje] stated he would not violate court orders and DOJ’s decision to place Mr. Reuveni on administrative leave. [B1, p.85]