

Congress of the United States

Washington, DC 20515

February 19, 2026

The Honorable Jeanine Pirro
Attorney for the District of Columbia
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Ms. Pirro:

You recently attempted to convince a grand jury in the District of Columbia (DC) to indict six Democratic lawmakers for stating the law: that Members of the Armed Services have a duty to refuse illegal orders. The results were predictable. The two prosecutors on this matter, Steven Vandervelden and Carlton Davis, reportedly failed to convince a single member of the grand jury to vote for such an indictment.

The colossal overreach and spectacular misjudgment embodied in this failure are not atypical for your office. In your six-month tenure as U.S. Attorney in DC, your office has repeatedly brought baseless and hyper-political charges against dozens of individuals – and repeatedly failed to obtain indictments. We are therefore writing to seek documents related to your investigation, and to refer your conduct—as well as the conduct of your handpicked “Special Counsels,” Mr. Vandervelden and Mr. Davis—to the Office of Professional Responsibility (OPR) for violation of your professional responsibilities as a licensed attorney¹ and the Department of Justice (DOJ) standards contained within the *Justice Manual*.²

The chronology of events in this matter is astounding. On November 18, 2025, six lawmakers who are all former members of the U.S. Armed Forces and intelligence community contributed to a social media video reminding members of the military and intelligence community of their duty, enshrined in the Uniform Code of Military Justice (UCMJ), to “refuse illegal orders.”³

¹ New York State Bar Association, *NYSBA NY Rules of Professional Conduct (2025)* (July 7, 2025) (online at www.nycourts.gov/ad3/agg/rules/22NYCRR-Part-1200.pdf); Department of Justice, *Justice Manual* (online at www.justice.gov/jm/justice-manual) (accessed Oct. 9, 2025).

² Office of Professional Responsibility, Department of Justice, *Attorney Professional Misconduct Matters* (online at www.justice.gov/opr/professional-misconduct) (accessed Oct. 9, 2025); Office of Professional Responsibility, Department of Justice, *How to File a Complaint with the Office of Professional Responsibility* (online at www.justice.gov/opr/webform/how-file-complaint-office-professional-responsibility) (accessed Oct. 9, 2025).

³ Sen. Elissa Slotkin (@SenatorSlotkin). X.com (Nov. 18, 2025) (online at <https://x.com/SenatorSlotkin/status/1990774492356902948>).

President Trump's anger at a video restating current U.S. law was swift, explosive and extreme. On November 20, 2025, President Trump called for the six Democratic lawmakers to be "ARRESTED AND PUT ON TRIAL," accusing them of "SEDITIONOUS BEHAVIOR, punishable by DEATH!"⁴ On November 25, 2025, five days after President Trump's directive, the counterterrorism division of the Federal Bureau of Investigations (FBI) notified the six lawmakers of FBI's intent to interview them about the social media video.⁵ In addition to this investigation, Secretary of Defense Pete Hegseth attempted to formally punish one of the participants, retired U.S. Navy veteran and Senator from Arizona Mark Kelly, by issuing a formal censure and threatening to cut the Senator's retirement pay and reduce his rank.⁶

The First Amendment to the U.S. Constitution protects citizen speech against government censorship and retaliation.⁷ This protection is at its strongest when an elected official speaks on a matter of national importance: it is "the manifest function of the First Amendment in a representative government ... that legislators be given the widest latitude to express their views on issues of policy."⁸

The statements made by the lawmakers in this case represent truthful and accurate representations of the law. Indeed, the UCMJ states clearly that members of the military are obliged to obey only lawful orders and must refuse those that are manifestly illegal.⁹ In the past, both Secretary of Defense Pete Hegseth and Attorney General Pamela Bondi have made this same basic point without facing any retribution from the government.¹⁰

For some reason, the Trump Administration now views accurately emphasizing current federal law regarding the military chain of command to be a dangerous and seditious act. Unsurprisingly, last week, a federal grand jury unanimously refused to issue indictments against the lawmakers for exercising their rights.¹¹ Then, two days later, a federal judge nominated by

⁴ *Trump Accuses Democrats of "Seditious Behavior, Punishable by Death," For Urging Military to Ignore Illegal Orders*, NBC News (Nov. 20, 2025) (online at www.nbcnews.com/politics/white-house/trump-democrats-death-penalty-sedition-military-orders-rcna245003); Pres. Donald Trump (@realDonaldTrump), Truth Social (Nov. 20, 2025) (online at <https://truthsocial.com/@realDonaldTrump/posts/115582417825161974>); Pres. Donald Trump (@realDonaldTrump), Truth Social (Nov. 20, 2025) (online at <https://truthsocial.com/@realDonaldTrump/posts/115582703277798715>).

⁵ *BI Seeks Interviews with Six Democrats Trump Accused of "Seditious Behavior"*, NBC News (Nov. 25, 2025) (online at www.nbcnews.com/politics/justice-department/fbi-seeks-interviews-six-democrats-trump-accused-seditious-behavior-rcna245880).

⁶ *Sen. Mark Kelly Files Lawsuit Alleging Hegseth Violated His Rights with Push for Punishment Over Illegal Orders Video*, CNN (Jan. 13, 2026) (online at www.cnn.com/2026/01/12/politics/kelly-lawsuit-unlawful-orders-video-hegseth).

⁷ U.S. Const. Amend. I

⁸ *Bond v. Floyd*, 385 U.S. 116 (1966)

⁹ Uniform Code of Military Justice, Article 92.

¹⁰ *In Prior Remarks, Hegseth and Bondi Also Said Troops Must Disobey Illegal Orders*, MS Now (Dec. 9, 2025), www.ms.now/rachel-maddow-show/maddowblog/in-prior-remarks-hegseth-and-bondi-also-said-troops-must-disobey-illegal-orders

¹¹ *DOJ Fails to Secure Indictments for Democratic Members of Congress in Military Video Case*, ABC

President George W. Bush granted an injunction in Senator Kelly's lawsuit seeking to prevent Secretary Hegseth's administrative retaliation, with the judge stating, "[this] Court has all it needs to conclude that [Secretary Hegseth et al.] have trampled on Senator Kelly's First Amendment freedoms and threatened the constitutional liberties of millions of military retirees." He continued that "our retired veterans deserve more respect from their Government, and our Constitution demands they receive it!"¹²

The Federal Bureau of Investigation's (FBI) inquiry and attempted indictment of the lawmakers comes as DOJ continues its pattern of investigating and prosecuting President Trump's political enemies upon his direct orders and wishes.¹³ The President regularly orders DOJ and Attorney General Pam Bondi to prosecute his opponents in public screeds posted on social media, as well as in private meetings and communications with DOJ officials.¹⁴ In just the past year, the Trump Administration has launched malicious, partisan investigations into New York Attorney General Letitia James, former FBI director James Comey, Federal Reserve Chair Jerome Powell, Federal Reserve governor Lisa Cook, Senator Adam Schiff, Representative Eric Swalwell, former New Jersey Governor Chris Christie, former Special Counsel Jack Smith, former Department of Homeland Security chief of staff Miles Taylor, and former director of the Cybersecurity and Infrastructure Agency Christopher Krebs.¹⁵

Your office has become the epicenter of these political investigations and vendettas, unsupported by probable cause or the traditional indicia of legality. Numerous grand juries across the District have rejected your prosecutors' charges on matters ranging from petty assault to the one before us.¹⁶ According to the longstanding principles of federal prosecution, an attorney for the government "should commence or recommend federal prosecution if he/she believes that the person's conduct constitutes a federal offense, and that the admissible evidence

News (Feb. 10, 2026) (online at <https://abcnews.com/US/doj-fails-secure-indictments-democratic-members-congress-military/story?id=130047628>).

¹² *Kelly v. Hegseth et. al.*, No. 26-81 RJL (D.D.C. Feb. 12, 2026) (memorandum opinion granting preliminary injunction) (online at https://storage.courtlistener.com/recap/gov.uscourts.dcd.288365/gov.uscourts.dcd.288365.37.0_2.pdf); *Judge Says Pete Hegseth Is Unlawfully Retaliating Against Sen. Mark Kelly Over 'Illegal Orders' Video*, CNN (Jan. 12, 2026) (online at www.cnn.com/2026/02/12/politics/mark-kelly-pentagon-lawsuit-ruling).

¹³ Grand Jury Rebuffs Justice Dept. Attempt to Indict 6 Democrats in Congress, New York Times (Feb. 11, 2026) (online at www.nytimes.com/2026/02/10/us/politics/trump-democrats-illegal-orders-pirro.html).

¹⁴ *Trump Pushes Justice Department to Prosecute His Political Opponents*, BBC (Sep. 21, 2025) (online at www.bbc.com/news/articles/c1wgg4vgeedo); *How Trump's Message to "Pam" Got Exactly the Results He Wanted*, Politico (Oct. 10, 2025) (online at www.politico.com/news/2025/10/10/trump-doj-prosecutions-comey-james-00601838).

¹⁵ *Since Trump's Return to Office, Here's a List of Those Targeted by His Administration*, ABC News (Feb. 11, 2026) (online at <https://abcnews.com/US/list-individuals-including-lisa-cook-targeted-trump-administration/story?id=124968309>).

¹⁶ *Trump Triggers a Renaissance For Grand Juries*, Politico (Jan. 7, 2026) (online at www.politico.com/news/2026/01/07/trump-grand-juries-letitia-james-comey-indictments-00713579).

will probably be sufficient to obtain and sustain a conviction.”¹⁷ Instead, your office commences prosecutions because Donald Trump has demanded that you use the powers of your office to seek retribution against his opponents and critics, with no regard for laws or facts.

All DOJ attorneys take an oath to support the Constitution of the United States and are bound by the rules of professional conduct of states in which they are licensed and the courts before which they appear.¹⁸ The reported conduct referenced above represents serious violations of your ethical and professional obligations.

We therefore request all documents related to this investigation, including records related to your conduct and the conduct of all DOJ personnel responsible for the investigation into Rep. Jason Crow, Rep. Maggie Goodlander, Rep. Chrissy Houlahan, Sen. Mark Kelly, Rep. Chris DeLuzio, and Sen. Elissa Slotkin. In addition, all such records related to this investigation, including communications between DOJ and the White House, should be preserved in accordance with federal law, including any messages on private devices, Signal, Truth Social, or other platforms.

Under separate cover, we are also requesting the DOJ Office of Professional Responsibility immediately initiate an investigation into your conduct and the conduct of Mr. Vandervelden and Mr. Davis for baselessly investigating and attempting to indict these Members. We ask OPR to notify us when it has initiated the investigation and keep us informed of the investigation’s progress and findings.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The House Committee on the Judiciary has broad investigative authority over civil liberties, the First Amendment, and federal enforcement of criminal law. The information sought by this letter would also help the Committees determine whether additional measures are necessary to ensure and enhance protections for journalists under the First Amendment.

¹⁷ Department of Justice, *Justice Manual*, 9-27.200 – Initiating and Declining Prosecution – Probable Cause Requirement (Feb. 2018) (online at www.justice.gov/jm/jm-9-27000-principles-federal-prosecution#9-27.200) (accessed Oct. 22, 2025); Office of Professional Responsibility, *Justice Manual*, 9-27.220 – Grounds for Commencing or Declining Prosecution (Feb. 2018) (online at www.justice.gov/jm/jm-9-27000-principles-federal-prosecution#9-27.220) (accessed Oct. 22, 2025).

¹⁸ Ms. Pirro is admitted to the New York bar (registration number 1387455) and is therefore bound by the New York Rules of Professional Conduct. Steven T. Vandervelden, an attorney who sought the indictment against the lawmakers, is admitted to the New York bar (registration number 2191542) and is likewise bound by the New York Rules of Professional Conduct. Carlton J. Davis, another attorney who sought the indictment, is admitted to the Virginia bar (registration number 80283) and is subject to the Virginia Rules of Professional Conduct.

The Honorable Jeanine Pirro
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If you have any questions regarding this letter, please contact Democratic Committee staff at (202) 225-5051. Thank you for your prompt attention to this important matter.

Sincerely,



Robert Garcia
Ranking Member
Committee on Oversight
and Government Reform



Jamie Raskin
Ranking Member
House Committee on the Judiciary

cc: The Honorable James Comer, Chairman
Committee on Oversight and Government Reform

The Honorable Jim Jordan, Chairman
House Committee on the Judiciary