

Preet Bharara

+1 212 295 6500 (t)
+1 212 230 8888 (f)
preet.bharara@wilmerhale.com

February 12, 2026

By Email and Federal Express**Attorney General Pamela J. Bondi**U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001**U.S. Attorney Jeanine Pirro**District of Columbia U.S. Attorney's Office
601 D Street, NW
Washington, DC 20579**Re: Senator Elissa Slotkin**

Dear Attorney General Bondi and U.S. Attorney Pirro:

The grand jury has spoken, loudly, clearly, and unanimously.¹ And the grand jury's refusal to indict Senator Elissa Slotkin cannot have been a surprise. Members of the military have a duty not to follow unlawful orders, and reminding them of that duty is no crime. The only responsible course is to respect the grand jury's decision and immediately close the investigation of Senator Slotkin.

Indeed, continuing to pursue this matter would violate clear ethical duties and Justice Department policy. Model Rule of Professional Conduct 3.8(a) (a prosecutor has an ethical responsibility to "refrain from prosecuting a charge that the prosecutor knows is not supportable by probable cause."); Justice Manual § 1-8.100 (2018) ("legal judgments ... must be impartial and insulated from political influence" and prosecutor's "investigatory and prosecutorial powers [must] be exercised free from partisan consideration."); ABA Standards of Criminal Justice: Prosecutorial Investigations, Standard 3.6(a) (Prosecutors are ethically bound to "resist political pressure intended to influence the conduct, focus, duration or outcome of a criminal investigation."). Please confirm by the close of business this Friday that this investigation is closed.

¹ Ryan J. Reilly, "No grand jurors found the Trump DOJ met low probable cause threshold in failed indictment of Democratic lawmakers," *NBC News* (Feb. 11, 2026, 10:37 am) <https://www.nbcnews.com/politics/trump-administration/live-blog/trump-bondi-epstein-congress-netanyahu-iran-dhs-ice-poll-live-updates-rcna257992#rcrd99859>. If this article is incorrect in reporting that none of the grand jurors voted to indict Senator Slotkin, please immediately notify me or otherwise correct the record.

February 12, 2026

Page 2

If the Department intends to present evidence regarding the November video to a second grand jury, we remind you that Justice Department rules require ensuring that the grand jury understands the full weight of the exculpatory evidence here—both the evidence demonstrating that Senator Slotkin articulated the same, correct legal principles as the current Attorney General, Solicitor General, Secretary of Defense, and two Supreme Court justices, and the evidence supporting the meritorious vindictive prosecution and selective prosecution defenses that Senator Slotkin would mount to any indictment, given the President’s statements and the absence to our knowledge of *any* similar criminal charge ever being brought against anyone.²

Regards,



Preet Bharara

Cc: Todd Blanche, Deputy Attorney General
Carlton Davis, U.S. Attorney’s Office
Steven Vandervelden, U.S. Attorney’s Office
Peter G. Neiman
Nicholas Werle

² “It is the policy of the Department of Justice . . . that when a prosecutor conducting a grand jury inquiry is personally aware of substantial evidence that directly negates the guilt of a subject of the investigation, the prosecutor must present or otherwise disclose such evidence to the grand jury before seeking an indictment against such a person.” Justice Manual § 9-11.233. Such exculpatory evidence that must be disclosed includes “information that is inconsistent with any element of [the] crime . . . or that establishes a recognized affirmative defense.” *Id.* § 9-5.001(C)(1).