

United States Senate

WASHINGTON, DC 20510

February 19, 2025

The Honorable Michael Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Inspector General Horowitz,

According to news reports, Assistant U.S. Attorney Denise Cheung was pressured to launch a criminal investigation without evidence of a crime, as a pretext for freezing the release of billions of dollars in congressionally approved federal funding for clean energy programs. The monies at issue are for the National Clean Investment Fund and the Clean Communities Investment Accelerator, programs that are leveraging private capital to cut energy bills for families and small businesses, improve resiliency against climate change-fueled disasters, and create local economic opportunity while combatting climate change. When Ms. Cheung found no probable cause that a crime had been committed, she reportedly was forced to resign by her superiors at the Department of Justice who wanted to halt the spending despite the lack of evidence. If these reports are accurate, they demonstrate a gross abuse of prosecutorial authority and raise serious questions about the politicization of the Justice Department under President Donald Trump. We urge you to investigate this matter promptly.

These revelations come amid a disturbing pattern of efforts to erode the independence and integrity of the Justice Department. The appointments of President Trump's personal attorneys, Todd Blanche and Emil Bove, to senior leadership positions, as well as the selection of Edward R. Martin, Jr.—who previously defended January 6 defendants—as U.S. Attorney for the District of Columbia,¹ raise significant concerns about undue political influence over prosecutorial decisions. Even before his election, then-candidate Trump reportedly offered to roll back environmental rules and programs as a quid pro quo in return for \$1 billion in donations from oil executives and lobbyists.² Now, the reported attempt to freeze billions of dollars in clean energy and climate resilience grant initiative funding at the behest of Bove and Martin, rather than in accordance with established legal standards, further exacerbates these concerns.³

The Justice Department's authority to freeze assets is a serious power that it should exercise only when supported by evidence that the assets can be traced to a crime. The reports that Ms. Cheung was pressured to circumvent this standard suggest a deliberate attempt to weaponize the

¹ Carrie Johnson, *Top federal prosecutor in Washington previously defended Jan. 6 rioters*, NPR (Feb. 17, 2025), <https://www.npr.org/2025/02/15/nx-s1-5292205/ed-martin-dc-federal-prosecutor>.

² Lisa Friedman et al., *At a Dinner, Trump Assailed Climate Rules and Asked \$1 Billion from Big Oil*, N.Y. Times (May 9, 2024), <https://www.nytimes.com/2024/05/09/climate/trump-oil-gas-mar-a-lago.html>.

³ E.g., Carol D. Leonning & Spenser Hsu, *High-ranking D.C. federal prosecutor resigns in protest*, Wash. Post (Feb. 18, 2025), <https://www.washingtonpost.com/investigations/2025/02/18/federal-prosecutor-dc-resigns/>; Adam Goldman et al., *A prosecutor in the U.S. attorney's office in Washington abruptly quits*, N.Y. Times (Feb. 18, 2025), <https://www.nytimes.com/live/2025/02/18/us/trump-news#denise-cheung-federal-prosecutor-quits>.

Justice Department for political purposes. Indeed, according to one report, “Cheung’s resignation came in connection with a Justice Department effort to assist President Donald Trump’s new head of the Environmental Protection Agency, who said last week that he would try to rescind \$20 billion in grants awarded by the Biden administration for climate and clean energy projects.”⁴ According to another report, Interim U.S. Attorney Martin “had demanded her resignation after she refused to order [Citibank] to ‘freeze’ the funds while asserting that a criminal probe was underway. That step, she said, was permitted only if prosecutors had ‘probable cause’ to believe a crime was committed.”⁵ Cheung and her colleagues did not find sufficient evidence for the action Martin demanded.⁶

That Ms. Cheung ultimately was forced to resign rather than comply with potentially unlawful directives is a testament to her commitment to upholding the law. Her resignation follows a troubling trend, including the departure of at least seven senior public corruption prosecutors last week after being ordered to dismiss corruption charges against New York Mayor Eric Adams in exchange for his support of the Administration’s anti-immigration directives.⁷ This further underscores the need for urgent oversight of, and accountability at, the Justice Department.

Federal prosecutors have an obligation to comply with the legal ethics rules governing their conduct, including their duty to refuse illegal or unethical orders from superiors. Not even a month into the second Trump administration, several career prosecutors have already resigned rather than participate in legally and ethically questionable actions, igniting a crisis within the Justice Department. The Department must not become an instrument of political retribution or partisan maneuvering.

In light of these troubling developments, we urge your office to immediately open an investigation into the circumstances surrounding Ms. Cheung’s resignation, the directives she received, and the broader pattern of political interference in prosecutorial decisions. The integrity of our justice system depends on the independence of prosecutors and their ability to enforce the law free from political influence. If substantiated, these allegations represent an existential threat to the rule of law and demand swift corrective action.

We appreciate your prompt attention to this matter and look forward to your findings.

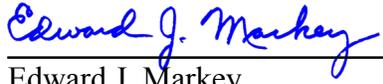
Sincerely,

⁴ Carol D. Leonning & Spenser Hsu, *High-ranking D.C. federal prosecutor resigns in protest*, Wash. Post (Feb. 18, 2025), <https://www.washingtonpost.com/investigations/2025/02/18/federal-prosecutor-dc-resigns/>.

⁵ Kyle Cheney et al., *Senior prosecutor in Washington quits, citing pressure to probe Biden-era climate funds*, Politico (Feb. 18, 2025), <https://www.politico.com/news/2025/02/18/denise-cheung-us-attorneys-office-washington-020363>.

⁶ Carol D. Leonning & Spenser Hsu, *High-ranking D.C. federal prosecutor resigns in protest*, Wash. Post (Feb. 18, 2025), <https://www.washingtonpost.com/investigations/2025/02/18/federal-prosecutor-dc-resigns/>; Kyle Cheney et al., *Senior prosecutor in Washington quits, citing pressure to probe Biden-era climate funds*, Politico (Feb. 18, 2025), <https://www.politico.com/news/2025/02/18/denise-cheung-us-attorneys-office-washington-020363>.

⁷ Jeremy Roebuck et al., *Justice officials move to drop Adams case after 7 lawyers refuse, resign in protest*, Wash. Post (Feb. 14, 2025), <https://www.washingtonpost.com/national-security/2025/02/14/justice-prosecutors-resignation-trump-eric-adams-corruption/>.



Edward J. Markey
United States Senator



Chris Van Hollen
United States Senator



Sheldon Whitehouse
United States Senator



Bernard Sanders
United States Senator