

“Your sole goal is to do justice. Your client is justice itself,” U.S. District Judge April M. Perry said on May 21 to three Assistant United States Attorneys (AUSAs) standing before her in court.

Since then, the fallout continues from the well-documented troubling developments that led to the collapse of the ‘Broadview Six’ case in Federal Court in Chicago. Regrettably, there is little doubt that actions taken by leadership in the last year have tarnished the reputation of the United States Attorney’s Office for the Northern District of Illinois, where each of us once served as an AUSA.

Collectively, our experience in the office spans seven decades. We remain proud of our service and deeply protective of the office’s historic reputation for integrity, professionalism, and political independence.

Our unique perspective makes it heartbreaking for us to express concerns with developments we have observed in that office since the spring of 2025: the exodus of talented, experienced leadership and line prosecutors; acknowledged grand jury irregularities; charging decisions that have resulted in unusual grand jury “no bills,” acquittals, and dismissals; and breaches of trust with judges.

These matters raise questions about whether there is a failure of leadership in the office we deeply respect and whether once-forbidden political considerations are infecting prosecutorial decisions. The answer to both questions, in our view, is yes.

For decades, our former office *earned* a reputation for winning significant cases while playing by the rules. We hope that the next few months will provide an opportunity to begin an effort to restore this reputation. That, however, will require candor from U.S. Attorney Andrew Boutros; the courage to stand above and apart from political fealty; and a willingness to address the failures that have occurred. It will require action, not mere words.

We recognize and appreciate that judges and lawyers for the parties will sort out the issues affecting the Broadview case and perhaps others in the coming weeks and months. We know, too, that more facts are likely to emerge that we do not yet know. Nonetheless, we feel an obligation to address *now* the fundamental imperative to restore the high standards of the office. We also want to provide support and encouragement for current AUSAs, especially those who are new and yet to be hired, to aspire to those high standards and resist *any* effort to compromise the pursuit of justice for some perceived short-term benefit.

The office has a renowned history of excellence pursuing justice. For decades, prosecutors and the law enforcement agents they partner with have rooted out public corruption, terrorism, financial frauds, and violent crime often associated with gangs, guns, and drugs. These efforts were guided by a fundamental principle: Follow the evidence and let the chips fall where they

may, which U.S. Attorneys appointed by Presidents of both parties, have followed since at least 1970.

This impartial approach was not optional. It was mandated in the aptly named Justice Manual, a Justice Department document that provides policies and guidance relevant to the work of U.S. Attorney's Offices. The Justice Manual plainly states:

The legal judgments of the Department of Justice must be impartial and insulated from political influence. Justice Manual 1-8.100.

Further, its Principles of Federal Prosecution provide that an attorney for the government must believe "that the admissible evidence will probably be sufficient to obtain and sustain a conviction . . ." Justice Manual 9-27.220

The combination of concerning developments occurring over the last year deserve serious public scrutiny because, ultimately, they affect not only the quality of justice, but the lives of more than nine million residents across 18 counties in the Northern District of Illinois. These matters include:

- The departure of many senior, experienced leaders and prosecutors in the office. Turnover always occurs but the volume of veteran prosecutors leaving the office over the last year is extraordinary. The challenge is exacerbated by the hiring of new AUSAs who require time to fully grow into their jobs but will be without an abundance of valuable mentors.
- Recent grand jury irregularities. While prosecutors can and do make mistakes, serious grand jury missteps are avoidable and inexcusable, given the power they wield in this sensitive and confidential setting. Mr. Boutros' recent announcement of grand jury reforms was long on superlatives and short on details. Mr. Boutros' highly unusual special report regarding his remarks to grand jurors about their duties is unprecedented in our collective experience and raises more questions than answers. He took the extraordinary step of questioning the grand jurors about whether they were "struggling" with immigration cases after they had previously rejected charges in the Broadview Six case. The message he delivered effectively signaled that the head of the U.S. Attorney's Office is unhappy with us and we did something wrong. That message is inappropriate.
- Multiple grand jury "no bills," acquittals, and dismissals. As AUSAs, we learned that investigating and charging individuals permanently changes their lives. While reasonable prosecutors can and often do disagree about the merits of a particular case, there is no disagreement about the high evidentiary bar a prosecutor must meet to establish guilt

beyond a reasonable doubt. When cases struggle before a grand jury, where prosecutors need only establish probable cause, that should be a serious warning sign that cases should not result in indictments, unless and until additional evidence is obtained.

For context, according to public reporting, prosecutors charged 33 defendants with nonimmigration crimes related to Midway Blitz. The vast majority of those cases have already collapsed through dismissals, no bills, acquittals, or deferred prosecution agreements — a striking departure from the office’s historic record.

The pattern and timing of charging decisions, public rhetoric surrounding the operation, and the extraordinary collapse rate of these prosecutions raise at least the appearance that improper considerations supplanted the office’s historical exercise of prosecutorial discretion free from political influence.

- Breaches of trust and the presumption of regularity. Perhaps most worrisome for us is the growing concern expressed among judges that AUSAs may no longer be worthy of the presumption of regularity traditionally afforded to prosecutors. When judges increasingly call into question the motivation or candor of prosecutors and agents, that is a sure sign the standard has been compromised. The abuse of trust is devastating and reversing that tide must be a top priority of the office’s leadership.

These are, indeed, challenging times across the Justice Department but the challenges cannot be excuses for lowering its previously high standards. We support the efforts of current AUSAs to uphold the standard that Judge Perry, herself a former supervisory AUSA, so eloquently articulated.

At the same May 21 hearing, Mr. Boutros personally dismissed with prejudice the sole misdemeanor charges against the four remaining Broadview defendants just days before they were to stand trial. Judge Perry properly noted that he significantly undercut his *mea culpa* by “continuing to vilify these particular defendants.”

Despite knowing they would no longer have their day in court and the evidence would not be presented to a jury or the public, Mr. Boutros improperly proclaimed the charges meritorious. He declared there would be universal agreement that the conduct that took place is “unacceptable in a civilized society.” This violates DOJ protocol and basic considerations of fairness.

Also very troubling was the message he sent to the office afterward, which, not surprisingly, found its way into reporters’ hands. By portraying the episode as a courageous effort by individual prosecutors, himself, and top supervisors, and by reaffirming his personal belief that a

crime was committed, it sent an entirely wrong message to impressionable and inexperienced AUSAs.

We write because we love the Chicago and Rockford U.S. Attorney's Office and know how far these developments fall outside long-established norms.

We write because an educated public is the only hope against overzealous prosecutions.

We hope our collective voice will help renew and strengthen the standards we helped to build and maintain. We urge other lawyers and the public to raise their voices to ensure that the office's essential mission remains the pursuit of justice.

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