

United States Senate

WASHINGTON, DC 20510

June 19, 2025

Jay Clayton
Interim United States Attorney
U.S. Attorney's Office for the Southern District of New York
26 Federal Plaza, 37th Floor
New York, NY 10278

Dear Interim U.S. Attorney Clayton:

We write to request records relevant to the Senate Judiciary Committee's consideration of the nomination of Emil Bove III, President Trump's nominee to the United States Court of Appeals for the Third Circuit.

From 2012 to 2021, Mr. Bove served as an Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of New York (SDNY). During his tenure at SDNY, Mr. Bove was promoted to Acting Deputy Chief for the Narcotics Unit in 2019 and, later, Co-Chief of the Terrorism and International Narcotics Unit from 2019 to 2021.

According to public reporting,¹ Mr. Bove's unprofessional and unethical conduct and his vindictive and angry temperament with opposing counsel and his own colleagues led to multiple complaints, professional interventions, and the threat of demotion throughout his career at SDNY. In 2018, a group of federal criminal defense attorneys in Manhattan were so alarmed by Mr. Bove's pattern of unethical conduct that they wrote his supervisors at SDNY to warn them that he was a liability for the office. According to the email sent by the then-Executive Director of the Federal Defenders of New York to Mr. Bove's supervisors on behalf of these attorneys, Mr. Bove exhibited a pattern of conduct that departed from the fair and evenhanded standards expected of federal prosecutors. For your reference, we include the text of the email:

Lisa & Joan,

I hope this finds you well. I know [redacted] spoke to you about Emil a while back, but in the past couple of weeks, I've heard from several lawyers outside of our office who called me to complain about him. I'm not sure why I get the honor of receiving complaints about AUSAs, but these calls were along the lines of "something must be done, and I don't know what else to do." So I called around to a few people who've had cases with him, and the reports are pretty horrifying.

My guess is that your instinct, like mine if I hear complaints about people in our office, is to want to know the details of particular events and talk to the people who are making the complaints. The folks I've spoken with, for a variety of reasons, don't want to be named so I'm a little limited in what I can say, but I hope you'll trust that I wouldn't reach out if

¹ Joshua Goodman, Jim Mustian, & Eric Tucker, *Trump's Justice Department enforcer is no stranger to complaints about his conduct*, ASSOCIATED PRESS (Feb. 24, 2025), <https://apnews.com/article/emil-bove-trump-fbi-enforcer-firings-3f85887e92154b14f7e04cfc521a0399>.

I didn't think it was serious and widespread enough to convince me that is not just a matter of personality conflicts. By my count, you've got about 170 lawyers in the criminal division. The vast majority of them are perfectly professional. We may disagree with many, and we may not be best friends with everyone, but rarely does it cross the line into unprofessional and unethical. I'm afraid it has here.

Below are a sampling of the comments I've received (and I'm leaving out some of the more colorful language):

- 1) From a former AUSA/White Collar Lawyer/CJA Panel Member: He "violated policy in egregious ways." He "lied about a guy I was proffering" and was "impossible to deal with." Everything he does seems to be "vindictive" and an "excuse to abuse his power."*
- 2) From a longtime CJA lawyer: "He's a nightmare." He "refuses to engage in any discussion about the case." "I'm not complaining that he won't give me what I'm asking for; I'm saying he won't even discuss the case." "Any conversation consists of terse one word responses."*
- 3) From a former AUSA/White Collar/ not on the CJA Panel: "He's a prosecutor version of a drunk driver -- completely reckless and out of control." He "repeatedly backed out of promises." He "encouraged agents who were totally out of control." I "really distrust him and would never cooperate with him again if I could help it." He is "quick to bully and threaten." He's always looking for "leverage and power."*
- 4) Former AUSA/White Collar/CJA Panel: "I can't say I saw anything unethical, but at some point someone can be so rude and unprofessional that it comes close." He "seems totally hung up on a power trip." He needs "adult supervision."*

And I've had four lawyers in our office come talk to me about him. The complaints are similar to the above and include a "refusal to talk in any way about a case, even basic issues like scheduling." He "ignores discovery orders and forces you to battle over stupid things." "He's just purely adversarial -- whatever 'do justice' is supposed to mean, it doesn't apply to him."

Here's a recent example from [redacted] personally. It's not a matter of an ethical violation like some of the others, but considering [redacted] as the source and the pettiness of the conduct by Emil, I thought I'd include it here:

My own small - but typical - example was during a VOSR a couple of months ago. The allegations were change of address and failure to report. The client had voice recordings of him actually reporting to the PO (in Florida). Before blindly asking for detention and going forward with the violation I asked him to call the PO in Florida and ask him about the recordings (which I had provided to him). The hearing before [SDNY Judge] Nathan was a couple of hours away. Bove snippily told me that he would NOT even try to call the PO on such short notice after I suggested he could at least reach out because he might get lucky and catch him. No reason other than he didn't feel like it. At the hearing it turned out Bove couldn't attend and sent [redacted]. [redacted] mentioned that although Bove refused, he had at least tried to reach the PO in Florida.

It was a small thing and client got out anyway but just indicative of his attitude that he has all the power and cannot be bothered to treat lesser mortals with respect or empathy. I know that there will always be personality conflicts and that not everyone is the easiest to deal with (myself included at times). But he's a real, recurrent problem, and he's not representing the office in the way that I think you would want it represented. I've given you a few examples, but the word on him is pretty widespread, and I fear there will be many future problems.

I'm not sure I have any particular ask of you, but giving how much I've been hearing, I wanted to share it with you.

David

This 2018 email precedes Mr. Bove's role in a prosecutorial misconduct scandal that the federal judge overseeing the case found involved "grave derelictions of prosecutorial responsibility."² Mr. Bove was in charge of a criminal case in which SDNY prosecutors attempted to bury exculpatory evidence and then lied to the court about the circumstances of the disclosure; these prosecutorial **"errors were so severe that following a jury verdict in its favor, the Government determined that further prosecution of the case would not be in the interests of justice."**³ The prosecutorial misconduct was to such a degree that SDNY had to dismiss a case it had already won, wasting significant resources. The federal judge overseeing the case specifically criticized Mr. Bove for **"offer[ing] little in the way of supervision,"** and cited Mr. Bove's contemporaneous text messages, which acknowledged his team's **"flat lie"** to the court.⁴ In another text, Bove told a colleague who was staying up late: **"we will get cocaine for you bud."**⁵

Shockingly, Mr. Bove's controversies at SDNY did not end there. In 2020 or early 2021, SDNY's executive committee initiated a formal investigation into his conduct following complaints that he exhibited uncontrolled anger and was abusive toward the attorneys under his supervision.⁶ The executive committee decided to demote him from his management role after determining he was unfit to supervise other employees. It was reported that Mr. Bove pleaded to keep his position and promised to improve his conduct. Ultimately, however, it appears that Mr. Bove's damaged reputation and threatened demotion led to his departure from SDNY in disgrace.

Mr. Bove's record of alleged abuse of power, ethical lapses, dishonesty, and unstable, abusive behavior during his tenure as a federal prosecutor warrants a thorough review of his employment history at SDNY by members of the Judiciary Committee. Mr. Bove now seeks a lifetime appointment to a federal appeals court, an office that carries immense power and limited

² Order, ECF No. 397, *United States v. Ali Sadr Hashemi Nejad*, No. 1:18-cr-00224 (S.D.N.Y. filed Feb. 17, 2021).

³ Op. & Order, ECF No. 399, *United States v. Ali Sadr Hashemi Nejad*, No. 1:18-cr-00224 (S.D.N.Y. filed Feb. 22, 2021).

⁴ *Id.* at 9, 12.

⁵ Letter to Judge Alison J. Nathan from Emil Bove re Oct. 16, 2020 Decl. & Exs. Of Shawn Crowley, ECF No. 401-2, Ex. 9, *United States v. Ali Sadr Hashemi Nejad*, No. 1:18-cr-00224 (S.D.N.Y. filed Feb. 22, 2021).

⁶ Erica Orden, *Before he became Trump's bulldog at DOJ, Emil Bove was nearly demoted for bellicose management style*, POLITICO (Feb. 23, 2025), <https://www.politico.com/news/2025/02/23/emil-bove-trump-justice-department-00205639>.

accountability. It is also a role that requires constant collaboration with and deep trust amongst all of the judges on the appeals court. Bove's documented conduct raises serious concerns about his fitness for such a role.

To that end, please provide the following information **no later than June 23, 2025**, in advance of Mr. Bove's hearing before the Senate Judiciary Committee on June 25, 2025:

1. All internal complaints, formal and informal, against Mr. Bove during his tenure at the SDNY.
2. All external complaints submitted to SDNY, including from opposing counsel, during his tenure at the SDNY.
3. All records regarding Mr. Bove's management style and alleged abusive behavior.

We appreciate your timely attention and compliance with this request.

Sincerely,



Cory A. Booker
United States Senator



Peter Welch
United States Senator



Mazie K. Hirono
United States Senator



Sheldon Whitehouse
United States Senator



Richard Blumenthal
United States Senator



Adam B. Schiff
United States Senator



Alex Padilla
United States Senator