

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 4, 2025

Attorney Grievance Committee  
Supreme Court, Appellate Division  
Departmental Disciplinary Committee for the First Judicial Department  
180 Maiden Lane, 17th Floor  
New York, NY 10038

**Re: Request for Disciplinary Investigation of Emil Joseph Bove, III**

To the Disciplinary Counsel:

We write to express our grave concern about actions taken by Emil Joseph Bove, III that may constitute serious professional misconduct under the New York State Unified Court System Rules of Professional Conduct. Since becoming Acting Deputy Attorney General for the U.S. Department of Justice (DOJ), Mr. Bove has abused his position in numerous ways, including using the prosecutorial power of the federal government to coerce an elected state municipal officer to pursue policies to the political benefit of President Donald J. Trump. Rather than carry out an unethical order from Mr. Bove, then-Acting U.S. Attorney for the Southern District of New York (SDNY) Danielle Sassoon, a SDNY assistant U.S. attorney, and at least five career prosecutors in DOJ's Criminal Division, including the then-acting chief of the Public Integrity Section and a deputy assistant attorney general, resigned.<sup>1</sup> Due to the serious nature of Mr. Bove's misconduct, we request that the Departmental Disciplinary Committee for the First Judicial Department open an investigation to determine whether Mr. Bove, who is a member of the New York State Bar, violated applicable New York State Unified Court System Rules of Professional Conduct and should be subject to disciplinary action.<sup>2</sup>

As detailed in official Department of Justice and U.S. Attorney's Office for the SDNY memoranda and subsequent public reporting, Mr. Bove has explicitly premised the dismissal of charges against Mayor Eric L. Adams upon the extraction of a political favor from Mayor Adams to benefit President Trump. Notably, the dismissal is inherently coercive, because it was without prejudice, therefore allowing Mr. Bove to use the threat of again charging Mayor Adams to ensure the political favor is fulfilled. There is substantial documentary proof of this misconduct, and reportedly dozens of witnesses to verify public reporting of Mr. Bove's misconduct in this matter:

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<sup>1</sup> Larry Neumeister, Alanna Durkin Richer & Eric Tucker, *Order to Drop New York Mayor Adams' Case Roils Justice Department as High-Ranking Officials Resign*, AP (Feb. 13, 2025), <https://apnews.com/article/new-york-city-us-attorney-0395055315864924a3a5cc9a808f76fd>; Hannah Rabinowitz, Kara Scannell & Evan Perez, *Seventh Prosecutor in Eric Adams Case Resigns and Calls Out Trump's Former Lawyer in Scathing Letter*, CNN (Feb. 14, 2025), <https://www.cnn.com/2025/02/14/politics/justice-department-eric-adams-case-new-york-southern-district/index.html>; 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/>.

<sup>2</sup> Although Mr. Bove is not currently an attorney at Blanche Law PLLC, he has not updated his registration accordingly and remains subject to the jurisdiction of the Departmental Disciplinary Committee for the First Department.

- On February 10, Mr. Bove directed Ms. Sassoon in a memo “to dismiss the pending charges in *United States v. Adams*.” He made clear that the decision was made “without assessing the strength of the evidence or the legal theories on which the case is based,” but rather premised on the nakedly partisan consideration that “the pending prosecution has unduly restricted Mayor Adams’ ability to devote full attention and resources to the illegal immigration and violent crime that escalated under the policies of the prior Administration.”<sup>3</sup>
- On February 12, Ms. Sassoon spelled out her concerns with Mr. Bove’s directive in a memo to Attorney General Bondi, explaining that the “reasons advanced by Mr. Bove for dismissing the indictment are not ones I can in good faith defend as in the public interest and as consistent with the principles of impartiality and fairness that guide my decision-making,” primarily because “Adams has argued in substance—and Mr. Bove appears prepared to concede—that Adams should receive leniency for federal crimes solely because he occupies an important public position and can use that position to assist in the Administration’s policy priorities.”<sup>4</sup>
- In that same memo, Ms. Sassoon noted that, after a meeting with counsel for Mayor Adams, Mr. Bove, and members of her team, Mr. Bove “admonished a member of my team who took notes and directed the collection of [the prosecutorial team’s] notes at the meeting’s conclusion.”<sup>5</sup> While Ms. Sassoon did not speculate as to why Mr. Bove confiscated the notes or what he did with them, the clear implication is that Mr. Bove took those documents with the intent to hide or destroy evidence that the Department was extracting a political favor from Mayor Adams to benefit President Trump in exchange for the dismissal of the Mayor’s prosecution.<sup>6</sup>
- On February 13, Mr. Bove accepted Ms. Sassoon’s resignation, claiming that she was the one choosing “to continue pursuing a politically motivated prosecution.”<sup>7</sup> This explanation is facially implausible. Mr. Bove’s February 10 memorandum claimed the

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<sup>3</sup> Dep’t of Justice Memorandum from Acting Deputy Attorney General Emil Bove to Acting U.S. Attorney for the Southern District of New York Danielle Sassoon regarding “Dismissal Without Prejudice of Prosecution of Mayor Eric Adams” (Feb. 10, 2025) (on file with Committee).

<sup>4</sup> Dep’t of Justice, U.S. Attorney’s Office for the Southern District of New York, Memorandum from Acting U.S. Attorney for the Southern District of New York Danielle Sassoon to Attorney General Bondi regarding “United States v. Eric Adams, 24 Cr. 556 (DEH)” (Feb. 12, 2025) (on file with Committee).

<sup>5</sup> *Id.* at 3, note 1.

<sup>6</sup> The Department has strict recordkeeping rules, and records for criminal cases that are declined or voluntarily dismissed must be retained for three years. *See* The Executive Office for United States Attorneys Records and Information Management Schedule Criminal and Civil Matters Case Files Record Retention Schedule, N1-118-10-007, User Guide at 9 (Rev. Feb. 18, 2021). Records for this matter must be kept indefinitely, because Mr. Bove has directed that the indictment be dismissed without prejudice, meaning the case will remain open, and ultimately “the matter shall be reviewed by the confirmed U.S. Attorney in the Southern District of New York, following the November 2025 mayoral election.” Dep’t of Justice Memorandum from Acting Deputy Attorney General Emil Bove to Acting U.S. Attorney for the Southern District of New York Danielle Sassoon regarding “Dismissal Without Prejudice of Prosecution of Mayor Eric Adams” (Feb. 10, 2025) (on file with Committee).

<sup>7</sup> Dep’t of Justice Memorandum from Acting Deputy Attorney General Emil Bove to Acting U.S. Attorney for the Southern District of New York Danielle Sassoon regarding “United States v. Eric Adams, 24 Cr. 556 (S.D.N.Y.)” (Feb. 13, 2025) (on file with Committee).

Department was seeking dismissal of Mayor Adams’ indictment because it was an instance of supposed “weaponization,” but offered the barest of evidence for this charge.<sup>8</sup> In contrast, Ms. Sassoon’s February 12 memo is an eight-page, detailed explanation of the merits of the case against Mayor Adams that directly refutes Mr. Bove’s allegations of impropriety and discusses additional steps that could be taken to address any such concerns, such as seeking a superseding indictment before a new grand jury.<sup>9</sup> Mr. Bove also retaliated against the prosecution team in the Adams case for their unwillingness to comply with the unethical order to dismiss the case by placing them on leave and referring them to the Office of the Attorney General and the Office of Professional Responsibility for investigation and possible termination.<sup>10</sup>

- The express political purpose of Mr. Bove’s directive is made even clearer by the timing of Mayor Adams’s February 13 meeting with Tom Homan, President Trump’s “border czar,” and the subsequent announcement that New York City would assist U.S. Immigration and Customs Enforcement in carrying out the President’s immigration agenda.<sup>11</sup> In a joint media appearance on February 14, Mr. Homan appeared to threaten Mayor Adams, stating, “If he doesn’t come through, I’ll be back in New York City, and we won’t be sitting on the couch—I’ll be in his office, up his butt, saying, ‘Where the hell is the agreement we came to?’”<sup>12</sup>
- On February 14, Hagan Scotten, an Assistant U.S. Attorney assigned to Mayor Adams case, submitted his resignation to Mr. Bove.<sup>13</sup> Mr. Scotten’s letter explained that he agreed with Ms. Sassoon’s decision to refuse Ms. Bove’s order to move to dismiss the case. Mr. Scotten described Mr. Bove’s “first justification for the motion—that [the former U.S. Attorney’s] role in the case somehow tainted a valid indictment supported by ample evidence... [as] so weak as to be transparently pretextual.” He further stated: “No system of ordered liberty can allow the Government to use the carrot of dismissing charges, or the stick of threatening to bring them again, to induce an elected official to support its policy objectives. ... any assistant U.S. attorney would know that our laws and traditions do not allow using the prosecutorial power to influence other citizens, much less elected officials, in this way.”<sup>14</sup>

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<sup>8</sup> *Id.* at 1 (claiming it “cannot be ignored that Mayor Adams criticized the prior Administration’s immigration policies before the charges were filed, and the former U.S. Attorney’s public actions created appearances of impropriety that implicate the concerns raised in the Attorney General’s February 5, 2025 memorandum regarding *Restoring The Integrity and Credibility of the Department of Justice*”).

<sup>9</sup> Dep’t of Justice, U.S. Attorney’s Office for the Southern District of New York, Memorandum from Acting U.S. Attorney for the Southern District of New York Danielle Sassoon to Attorney General Bondi regarding “United States v. Eric Adams, 24 Cr. 556 (DEH)” (Feb. 12, 2025) (on file with Committee).

<sup>10</sup> Dep’t of Justice Memorandum from Acting Deputy Attorney General Emil Bove to Acting U.S. Attorney for the Southern District of New York Danielle Sassoon regarding “United States v. Eric Adams, 24 Cr. 556 (S.D.N.Y.)” (Feb. 13, 2025) (on file with Committee).

<sup>11</sup> Luis Ferré-Sadurní, *After Meeting with Trump’s Border Czar, Adams Opens Rikers to ICE Agents*, N.Y. TIMES (Feb. 13, 2025), <https://www.nytimes.com/2025/02/13/nyregion/adams-ice-rikers-homan.html>.

<sup>12</sup> Emma G. Fitzsimmons, *Eric Adams Highlights Coordination with Trump’s Border Czar on Fox News*, N.Y. TIMES (Feb. 14, 2025), <https://www.nytimes.com/2025/02/14/nyregion/adams-homan-fox-interview.html>.

<sup>13</sup> Dep’t of Justice, U.S. Attorney’s Office for the Southern District of New York, Letter from Assistant U.S. Attorney for the Southern District of New York Hagan Scotten to Deputy Attorney General Bove regarding “United States v. Eric Adams, 24 Cr. 556 (DEH)” (Feb. 14, 2025) (on file with Committee).

<sup>14</sup> *Id.*

- On February 14, Mr. Bove reportedly continued his effort to pressure Department attorneys into signing the motion to dismiss the charges against Mayor Adams, convening a group of Public Integrity Section (PIN) attorneys and demanding that they identify one person willing to sign the motion or else face termination. Mr. Bove may also have tried to induce the attorneys' cooperation by insinuating that obeying his directive could be rewarded with a promotion. Edward Sullivan reportedly agreed to sign the motion in order to stave off the terminations of his colleagues.<sup>15</sup>

The New York State Unified Court System establishes eight categories of prohibited misconduct.<sup>16</sup> Mr. Bove's directive and related actions appear to violate several of these prohibitions. Specifically:

- Mr. Bove's effort to dismiss the charges against Mayor Adams in order to secure a political favor for President Trump implicates Rule 8.4(e)'s prohibition against implying an ability to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official, as well as Rule 8.4(d)'s prohibition against engaging in conduct that is prejudicial to the administration of justice.
- Mr. Bove's multiple attempts to pressure Acting U.S. Attorney Sassoon and PIN prosecutors to dismiss the charges against Mayor Adams implicate Rule 8.4(a)'s prohibition against inducing other attorneys to violate or attempt to violate the Rules of Professional Conduct and Rule 8.4(h)'s prohibition against conduct that adversely reflects one's fitness to be a lawyer.
- Mr. Bove retaliation and threats of retaliation against prosecutors who refused his directives also implicate Comment [1] to Rule 8.4, which states that lawyers are subject to discipline when they induce, request, or instruct another lawyer or agent on their behalf to violate the Rules of Professional Conduct.<sup>17</sup>
- Finally, Mr. Bove's representations in memoranda to Ms. Sassoon and in court filings and hearings that he is the one attempting to combat political weaponization of the Department of Justice while simultaneously proffering the political favor the Trump Administration has extracted from Mayor Adams implicate both Rule 8.4(b)'s prohibition against engaging in conduct involving dishonest, fraud, deceit, or misrepresentation and Rule 8.4(h)'s prohibition against engaging in any other conduct that adversely reflects on the lawyer's fitness as a lawyer.

Mr. Bove's conduct not only speaks to his fitness as a lawyer; his activities are part of a broader course of conduct by President Trump and his allies to undermine the traditional independence of Department of Justice's investigations and prosecutions and the rule of law.<sup>18</sup> When a government lawyer, particularly one entrusted with a leadership role in the nation's

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<sup>15</sup> 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/>.

<sup>16</sup> See New York State Unified Court System Rules of Professional Conduct, Rule 8.4(a)-(h).

<sup>17</sup> See *id.* at comment [1].

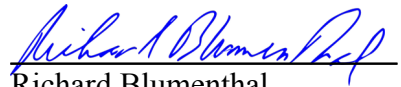
foremost law enforcement agency, commits serious violations of professional conduct, such actions undermine the integrity of our justice system and erode public confidence in it. Public confidence is further eroded when such serious misconduct is met with no consequences. Therefore, we submit this letter of complaint to respectfully request that the Departmental Disciplinary Committee for the First Department initiate an investigation and take appropriate disciplinary proceedings pursuant to N.Y. Comp. Codes R. & Regs. tit. 22 § 1240.7.

We appreciate your prompt attention to this sensitive matter. The Committee is available for further consultation as needed.

Sincerely,



Richard J. Durbin  
United States Senator



Richard Blumenthal  
United States Senator



Adam B. Schiff  
United States Senator



Sheldon Whitehouse  
United States Senator

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<sup>18</sup> Currently, the Department of Justice is failing to fully comply with judicial rulings enjoining the Trump Administration’s illegal or otherwise unauthorized actions. *See e.g.*, Kyle Cheney & Josh Gerstein, *Judge Warns Trump Administration to Comply with Court Order on Foreign Aid Payments*, POLITICO (Feb. 25, 2025), <https://www.politico.com/news/2025/02/25/foreign-aid-funding-state-department-022736> (“Ali also raised concerns about an order by Secretary of State Marco Rubio — issued five days after the restraining order took effect — pausing \$15.9 billion in foreign assistance grants. ... The judge ordered the State Department to pay all aid contractors who completed work before his order by midnight Wednesday. He also demanded that the government file with the court ‘any directive or guidance’ issued about his order or about the suspension or termination of aid agreements.”). Additionally, multiple Trump Administration officials have made troubling statements seeking to undermine federal judges and judicial review. *See e.g.*, @JD Vance, X.com (Feb. 9, 2025, 10:13 AM), <https://x.com/JDVance/status/1888607143030391287> (on February 9, 2025, Vice President Vance falsely asserted that “[j]udges aren’t allowed to control the executive’s legitimate power.”); and @realDonaldTrump, X.com (Feb. 15, 2025, 1:32 PM), <https://x.com/realDonaldTrump/status/1890831570535055759> (on February 15, 2025, President Trump posted on social media: “He who saves his Country does not violate any law.”). Elon Musk, Senior Advisor to President Trump, has also repeatedly called for the impeachment of federal judges who have issued unfavorable rulings against the Trump Administration or Musk-led initiatives. *See e.g.*, @ElonMusk, X.com (Feb. 12, 2025, 10:28 AM), <https://x.com/elonmusk/status/1889698199335575948> (“There needs to be an immediate wave of judicial impeachments, not just one”); and @ElonMusk, X.com (Feb. 9, 2025, 2:11 AM), (A corrupt judge protecting corruption. He needs to be impeached NOW!).



Peter Welch  
United States Senator



Mazie K. Hirono  
United States Senator



Christopher A. Coons  
United States Senator



Alex Padilla  
United States Senator



Cory A. Booker  
United States Senator



Amy Klobuchar  
United States Senator

cc: The Honorable Charles E. Grassley  
Chairman, Committee on the Judiciary

Enclosure