



July 16, 2025

United States Senate
Washington, DC 20510

Re: Opposition to the Nomination of Emil Bove to the U.S. Court of Appeals for the Third Circuit

Dear Senator:

On behalf of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"), we urge you to oppose the nomination of Emil Bove to the United States Court of Appeals for the Third Circuit. The Lawyers' Committee is a nonprofit, nonpartisan legacy civil rights organization that uses legal advocacy to achieve racial justice, fighting both within and outside the courts to ensure that Black people and other people of color have voice, opportunity, and power to make the promises of American democracy real for all. For over sixty years, the Lawyers' Committee has worked to advance racial equality, secure equal justice, and uphold the rule of law. Our mission and history make our organization uniquely qualified to assess and comment on the qualifications of federal judicial nominees, including those of Mr. Bove.

For good reason, the bar to be confirmed to a federal appellate court has been set high. Circuit court judges wield great influence over a wide range of legal issues and often serve as the final arbiters of federal law. In 2023 the U.S. Supreme Court issued only 69 final decisions. In contrast, the 12 federal circuit courts collectively issued over 3300 precedential rulings each year for the past two years.¹ These decisions often carry significant civil rights consequences, affecting issues like voting rights, immigration processes, housing, and more,² and must be guided by impartiality, integrity, and fidelity to the law—not loyalty to any individual or political agenda. This standard is the cornerstone of our legal system; for generations, Americans have expected judges to be independent, principled, and just.

Impartiality is therefore essential, because when the judicial system lacks integrity, equality, and independence, Black Americans and other people of color bear the greatest consequences. Discretionary biases lead to stark racial disparities in wrongful convictions, among

¹ MICHAEL JOHN GARCIA & CRAIG W. CANETTI, CONG. RSCH. SERV., R48369, THE UNITED STATES COURTS OF APPEALS: BACKGROUND AND CIRCUIT SPLITS FROM 2024 (2025), <https://www.congress.gov/crs-product/R48369>.

² Nate Raymond, *US appeals court curtails key avenue to enforce voting rights law*, REUTERS (May 14, 2025), <https://www.reuters.com/world/us-us-appeals-court-curtailed-key-avenue-enforce-voting-rights-law-2025-05-14/>; *9th Circuit of Appeals Rules Trump Administration Must Process and Admit Conditionally Approved Refugees*, INTL. REFUGEE ASSISTANCE PROJECT (Mar. 25, 2025), <https://refugeerights.org/news-resources/9th-circuit-of-appeals-rules-trump-administration-must-process-and-admit-conditionally-approved-refugees>; Brooklee Han, *Appeals court affirms ruling that 'no commingling' is not an antitrust violation*, HOUSINGWIRE (Mar. 3, 2025), <https://www.housingwire.com/articles/ninth-circuit-court-of-appeals-affirms-ruling-no-commingling-nar-zillow-rex/>.

other instances.³ Consequentially, whoever is confirmed to serve to a lifetime seat on the federal appellate level will powerfully shape the law for decades to come.

The integrity of these decisions is now under threat with the nomination of Emil Bove. Mr. Bove, President Trump's former criminal defense attorney, played a key role in opposing the Justice Department's prosecution of the president due to his alleged effort to overturn the 2020 election. He now serves as Principal Associate Deputy Attorney General at the Department of Justice (DOJ), a position of immense authority from which he has continued to act in the president's personal and political interest, but *not* in the interest of the American people, taking radical steps to enact political retaliation and weaponize the DOJ. Mr. Bove has made a habit of taking official actions in his role at DOJ which have blurred or flouted the line between acting in the president's personal capacity, and the official duties of both the president and the department.

This includes sending a memo to state and local officials detailing escalated and potentially illegal immigration enforcement positions and threatening prosecution if any refused cooperation.⁴ He then turned his attention to the January 6 Capitol attack, asking top state federal prosecutors and the Acting FBI Director to compile a list of the prosecutors and FBI agents and personnel who worked on investigating the insurrection.⁵ He followed these requests by ordering the firing of a half-dozen top FBI executives and all the prosecutors who were working on the January 6th-related cases on a probationary basis.⁶ Additionally, Mr. Bove drew national attention earlier this year when DOJ brought corruption charges against New York City Mayor Eric Adams. Mr. Bove intervened and personally requested that federal prosecutors seek dismissal of the charges, prompting the resignation of at least seven career prosecutors in New York and Washington, D.C., in protest.⁷ Undeterred, Mr. Bove signed the formal request to dismiss the charges himself, asserting that the prosecution had impeded Mr. Adams's ability to cooperate with the Trump administration on national security and immigration matters.⁸

Given that Mr. Bove misused prosecutorial discretion to exert influence over a prominent elected official, this raises concern about his willingness to check an overreach of executive authority. Alarmed by this incident, a formal complaint was submitted to the Attorney Grievance

³ Ella Wiley, *How Racism in the Courtroom Produces Wrongful Convictions and Mass Incarcerations*, NAACP LEGAL DEF. AND EDUC. FUND (July 20, 2022), <https://www.naacpldf.org/racism-wrongful-convictions-mass-incarceration/>; OHIO IMMIGRANT ALL., *BEHIND CLOSED DOORS: BLACK MIGRANTS AND THE HIDDEN INJUSTICES OF U.S. IMMIGRATION COURTS* at 72 (2025), <https://ohioimmigrant.org/wp-content/uploads/2025/04/Behind-Closed-Doors-Full-Report-April-2025.pdf>.

⁴ Joel Rose, *DOJ threatens to prosecute local officials for resisting immigration enforcement*, NAT'L PUB. RADIO (Jan. 22, 2025), <https://www.npr.org/2025/01/22/nx-s1-5271541/doj-immigration-trump-memo-prosecution>.

⁵ Letter from Richard J. Durbin et al., U.S. Senators (D), to Chuck Grassley, Chairman, Senate Judiciary Committee (Feb. 4, 2025),

<https://www.judiciary.senate.gov/imo/media/doc/Letter%20to%20Chairman%20Grassley%20re%20Patel.pdf>.

⁶ Joshua Goodman et al., *Trump's Justice Department enforcer is no stranger to complaints about his conduct*, ASSOC. PRESS (Feb. 24, 2025), <https://apnews.com/article/emil-bove-trump-fbi-enforcer-firings-3f85887e92154b14f7e04cfc521a0399>; Sarah N. Lynch & Andrew Goudswaard, *Trump's Justice Department launches sweeping cuts targeting Jan. 6 prosecutors, FBI agents*, REUTERS (Jan. 31, 2025), <https://www.reuters.com/world/us/fbi-launches-wide-ranging-round-cuts-sources-say-2025-01-31/>.

⁷ Benjamin Weiser et al., *A Justice Dept. in Turmoil Moves to Dismiss Eric Adams's Corruption Case*, N.Y. TIMES (Feb. 14, 2025), <https://www.nytimes.com/2025/02/14/nyregion/eric-adams-drop-charges-sdny.html>

⁸ Erica Orden, *Judge dismisses Eric Adams case, denying DOJ an opportunity to revive it later*, POLITICO (Apr. 2, 2025), <https://www.politico.com/news/2025/04/02/judge-dismisses-eric-adams-case-00265683>.

Committee in New York State requesting a disciplinary investigation into professional misconduct, asserting that actions like Mr. Bove’s “undermine the integrity of our justice system and erode public confidence in it.”⁹ Mr. Bove’s willingness to subvert legal norms in the name of political loyalty further underscores why he is unfit for a lifetime on the federal bench.

Altogether, Mr. Bove is actively undermining our system of checks and balances and rule of law by advancing the President’s agenda at the expense of the core mission of the DOJ, the impartial prosecution of justice. His confirmation would severely jeopardize the independence of and public’s faith in the judicial system. His lack of commitment to the Constitution over his loyalty to the President indicates that he will not objectively administer justice if confirmed to an independent branch of government. It also raises additional doubts over whether he would resist the Trump Administration’s continued Executive overreach as Mr. Trump ignores judicial precedent and dismantles infrastructure in the name of personal benefit, political gain, and control. For these reasons, the Lawyers’ Committee strongly objects to his confirmation.

Thank you for your consideration of our opposition to the nomination of Emil Bove as Circuit Judge for the U.S. Third Circuit Court of Appeals. We urge the Senate to reject his nomination and welcome the opportunity to discuss his nomination with your office further. If you have any questions or concerns, please contact Mark Villarica, Paralegal/Policy Assistant, at mvillarica@lawyerscommittee.org or Alex Ault, Policy Counsel, at aault@lawyerscommittee.org.

Sincerely,



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President & Executive Director
Lawyers’ Committee for Civil Rights Under
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⁹ Hannah Rabinowitz, *Democrats lodge complaint against acting deputy Attorney General Emil Bove in New York over Eric Adams case*, CNN (Mar. 4, 2025), <https://www.cnn.com/2025/03/04/politics/email-bove-new-york-adams-democrats-complaint>; Letter from Richard J. Durbin et al., U.S. Senators (D), to Attorney Grievance Committee, Appellate Division of the Supreme Court (Mar. 4, 2025), <https://www.judiciary.senate.gov/imo/media/doc/2025-03-04%20SJC%20Bar%20Complaint%20re%20Bove.pdf>.