

United States Senate

WASHINGTON, DC 20510

September 4, 2025

Attorney Grievance Committee
Supreme Court, Appellate Division
First Judicial Department
180 Maiden Lane
New York, New York 10038

Dear Attorney Grievance Committee Members:

We write to file an updated ethics complaint regarding the conduct of former Principal Associate Deputy Attorney General Emil Bove III.

On February 27, 2025, we lodged an ethics complaint about Mr. Bove's conduct as then-Acting Deputy Attorney General in dismissing pending charges against New York Mayor Eric Adams. Our complaint detailed how public reports indicated that Mr. Bove used his office to execute a *quid pro quo* deal with Mayor Adams in apparent violation of ethics rules.

On May 28, 2025, shortly after President Trump announced Mr. Bove's nomination to the U.S. Court of Appeals for the Third Circuit, we received notice that the Attorney Grievance Committee was transferring the matter to the Department of Justice's Office of Professional Responsibility because that office is purportedly "better suited to investigate the conduct of an Acting Attorney General," and that the Attorney Grievance Committee would take no further action.

Mr. Bove no longer holds any office at the Department of Justice. Moreover, since our original complaint, additional facts have come to light regarding Mr. Bove's misconduct in other matters, including the Greenhouse Gas Reduction Fund and adverse court orders in immigration cases, that suggest Mr. Bove violated the New York Rules of Professional Conduct.

Please find enclosed an updated appendix elaborating specific facts and relevant rules and regulations that Mr. Bove appears to have violated. Whether Mr. Bove holds office at the Department of Justice or on the Third Circuit, he remains a New York-barred attorney subject to the Rules of Professional Conduct. Indeed, the Judicial Conference's Rules for Judicial-Conduct and Judicial-Disability Proceedings contemplate situations in which bar associations discipline federal judges, permitting the Judicial Conference to disclose information in such circumstances.¹

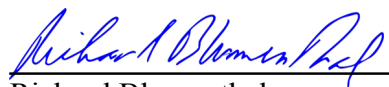
¹ See Judicial Conference of the United States, *Rules for Judicial-Conduct and Judicial-Disability Proceedings*, Art. VIII. Rule 23 commentary (Mar. 12, 2019).

We respectfully renew our request that the Attorney Grievance Committee review Mr. Bove's conduct. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheldon Whitehouse", written over a horizontal line.

Sheldon Whitehouse
United States Senator

A handwritten signature in blue ink, appearing to read "Richard Blumenthal", written over a horizontal line.

Richard Blumenthal
United States Senator

Appendix of Relevant Facts and Rules

I. Publicly Reported Facts Regarding the Dismissal of Charges Against Mayor Adams

- On September 26, 2024, U.S. Attorney Damian Williams unsealed an indictment charging Mayor Eric Adams with bribery, campaign finance, and conspiracy offenses.
- On January 31, 2025, Acting U.S. Attorney Danielle Sassoon met with Bove and Mayor Adams’s lawyers, in which meeting Mayor Adams’s lawyers “repeatedly urged what amounted to a *quid pro quo*, indicating that Adams would be in a position to assist with the Department’s enforcement priorities only if the indictment were dismissed.”¹ Sassoon further stated that in the January 31 meeting, Bove “admonished a member of [her] team who took notes during that meeting and directed the collection of those notes at the meeting’s conclusion.”²
- On February 10, 2025, Bove directed Sassoon to dismiss without prejudice the pending charges against Mayor Adams.³ Bove acknowledged that this was not based on “the strength of the evidence or the legal theories on which the case is based,” but in part because the charges would interfere with Mayor Adams’s “ability to support critical, ongoing federal efforts” to enact the Administration’s immigration objectives.⁴
- On February 12, 2025, in a letter to Attorney General Pam Bondi, Sassoon rejected Bove’s direction. Sassoon wrote that Bove’s rationale for dismissal “violates commonsense beliefs in the equal administration of justice, the Justice Manual, and the Rules of Professional Conduct.”⁵ Sassoon further wrote, “dismissing without prejudice and with the express option of again indicting Adams in the future creates obvious ethical problems, by implicitly threatening future prosecution if Adams’s cooperation with enforcing the immigration laws proves unsatisfactory to the Department.”⁶
- Bove accepted Sassoon’s resignation on February 13 and informed her that, because her prosecution team supported her letter, the attorneys working on the case would be placed on administrative leave.⁷ He also wrote that the Office of the Attorney General and the Office of Professional Responsibility would investigate Sassoon and her team.⁸
- Eight Department of Justice prosecutors chose to resign rather than dismiss the charges

¹ Letter from Acting U.S. Attorney Danielle Sassoon to U.S. Attorney General Pamela Bondi at 3 n.1 (Feb. 12, 2025).

² *Id.*

³ Memorandum for Acting U.S. Attorney, U.S. Attorney’s Office for the Southern District of New York, *Dismissal Without Prejudice of Prosecution of Mayor Eric Adams* (Feb. 10, 2025).

⁴ *Id.* at 1-2.

⁵ Letter from Acting U.S. Attorney Danielle Sassoon, *supra* note 2 at 2.

⁶ *Id.* at 7.

⁷ Letter from Acting Deputy Attorney General Emil Bove to Acting U.S. Attorney Danielle Sassoon at 1 (Feb. 13, 2025).

⁸ *Id.*

against Mayor Adams.⁹ Later, in April, three more prosecutors resigned rather than admit, as a precondition for reinstatement, to any sort of wrongdoing in refusing to dismiss the charges.¹⁰

- On February 13, Mayor Adams met with President Trump’s “border czar” Thomas Homan. Mayor Adams announced after the meeting that he would allow ICE agents to investigate people held in Rikers Island jail. On February 14, Homan and Adams appeared together on Fox News and Homan referenced the apparent *quid pro quo* agreement, saying, “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?’”¹¹
- On February 14, 2025, Bove personally signed a motion seeking dismissal without prejudice of the indictment against Mayor Adams under Rule 48(a) of the Federal Rules of Criminal Procedure. The motion stated, “the Acting Deputy Attorney General concluded that dismissal is necessary because of appearances of impropriety and risks of interference with the 2025 elections in New York City” and “that continuing these proceedings would interfere with the defendant’s ability to govern in New York City, which poses unacceptable threats to public safety, national security, and related federal immigration initiatives and policies.”
- On February 19, 2025, Bove appeared as the sole attorney representing the United States at the hearing on the motion in the U.S. District Court for the Southern District of New York.
- On April 2, 2025, U.S. District Judge Dale Ho dismissed charges against Adams with prejudice. Judge Ho wrote, “If it is true that DOJ sought to extract a public official’s cooperation with the administration’s agenda in exchange for dropping a prosecution, that would be ‘clearly contrary to the public interest,’ and a grave betrayal of the public trust.”¹² Judge Ho also wrote, contrary to DOJ’s assertion, “This Court is unaware of any case suggesting that the decision to prosecute a public official is the kind of public act that may be horse-traded away in the course of ‘everyday politics’ To the contrary, ethics rules prohibit such political considerations in the exercise of prosecutorial discretion.”¹³ Judge Ho also wrote, “Everything here smacks of a bargain: dismissal of the Indictment in exchange for immigration policy concessions.”¹⁴

⁹ Shayana Jacobs & Jeremy Roebuck, *Acting deputy AG Emil Bove defends move to drop Eric Adams case*, WASHINGTON POST (Feb. 19, 2025), <https://www.washingtonpost.com/national-security/2025/02/19/eric-adams-court-hearing-corruption-justice-department/>.

¹⁰ Berman et al., *Prosecutors say Justice asked them to admit ‘wrongdoing’ in Eric Adams case*, WASHINGTON POST (Apr. 22, 2025), <https://www.washingtonpost.com/national-security/2025/04/22/three-prosecutors-resign-over-eric-adams-case-refusing-admit-wrongdoing/>.

¹¹ Rich Shapiro & Tom Winter, *Trump’s border czar tells NYC mayor he’ll be ‘up his butt’ if he breaks vow to help ICE*, NBC (Feb. 14, 2025), <https://www.nbcnews.com/politics/justice-department/trumps-border-czar-tells-eric-adams-butt-nyc-mayor-breaks-vow-help-ice-rcna192201>.

¹² *United States v. Adams*, No. 24-CR-556 (DEH), 2025 WL 978572, at *36 (S.D.N.Y. Apr. 2, 2025).

¹³ *Id.* at *37.

¹⁴ *Id.* at *2.

II. Publicly Reported Facts Regarding Greenhouse Gas Reduction Fund

- On February 17, 2025, D.C. U.S. Attorney’s Office Criminal Division leader Denise Cheung was asked to review evidence supplied by the Office of the Deputy Attorney General (ODAG)—then headed by Acting Deputy Attorney General Emil Bove—to open a criminal investigation into the Biden administration’s award of a contract under the Greenhouse Gas Reduction Fund (GGRF).¹⁵ An “ODAG representative” told her “that he believed sufficient predication existed” to open a grand jury investigation, but Cheung disagreed. Cheung, a career attorney who had spent 24 years with the U.S. Attorney’s Office, resigned rather than open a grand jury investigation without predication.
- Acting U.S. Attorney Ed Martin then personally submitted a seizure warrant application to freeze \$20 billion of GGRF grants. No career attorney signed. A U.S. magistrate judge in D.C. rejected Martin’s request after finding that the request and accompanying FBI agent affidavit failed to establish a reasonable belief that a crime occurred.¹⁶
- Around the same time, Bove’s office approached at least one other U.S. Attorney’s Office and asked prosecutors there to launch a grand jury investigation into the GGRF grants. Like Denise Cheung, the prosecutors in this office refused.¹⁷
- Bove received a March 9, 2025, email from a career EPA lawyer sharing his assessment that the Administration’s approach to GGRF had “significant legal vulnerabilities.”¹⁸
- In *Climate United Fund v. Citibank*, a civil case filed by a grant recipient whose GGRF funds EPA froze, a D.C. federal judge said DOJ lawyers had been “unable to proffer me any information with regard to any kind of investigation or malfeasance.”¹⁹ During the appeal, a DOJ lawyer representing the EPA conceded, “To be clear, we’re not accusing anybody of fraud.”²⁰

¹⁵ Letter from Assistant U.S. Attorney Denise Cheung to United States Attorney Ed Martin (Feb. 18, 2025) (available at <https://www.washingtonpost.com/dc-md-va/2025/02/18/read-resignation-letter-denise-cheung/>).

¹⁶ Spencer S. Hsu, Maxine Joselow, & Nicolás Rivero, *FBI takes up EPA probe amid pushback from judge, prosecutors*, WASHINGTON POST (Feb. 27, 2025), <https://www-staging.washingtonpost.com/dc-md-va/2025/02/27/trump-fbi-epa-grant-investigation/>.

¹⁷ *Id.*

¹⁸ Alex Guillén, *Quest to retake \$20B in climate money puts Trump agencies at ‘significant’ risk, attorney warned*, POLITICO (Apr. 23, 2025), <https://www.politico.com/news/2025/04/23/trump-admin-epa-climate-aid-freeze-internal-emails-00305563>.

¹⁹ Alex Guillén, *Judge hammers EPA over lack of proof of wrongdoing in terminating \$20B in climate grants*, POLITICO (Apr. 2, 2025), <https://www.politico.com/news/2025/04/02/judge-hammers-epas-terminating-20b-climate-grants-00267004>.

²⁰ Jean Chemnick, *EPA’s challenges grow in quest to claw back ‘gold bars’*, E&E NEWS BY POLITICO (May 23, 2025), <https://www.eenews.net/articles/epas-challenges-grow-in-quest-to-claw-back-gold-bars/>. In an April 16th order granting plaintiffs a preliminary injunction, U.S. District Judge Chutkan wrote, “Though repeatedly pressed on the issue, EPA offers no rational explanation for why it suspended the grants and then immediately terminated the entire NCIF and CCIA grant programs overnight . . . In the letters terminating the grant programs, EPA provided no individualized reasoning as to anything Plaintiffs themselves did—instead referencing generalized and unsubstantiated reasons for termination—‘substantial concerns regarding program integrity, the award process, programmatic fraud, waste, and abuse, and misalignment with the Agency’s priorities.’” *Climate United Fund v. Citibank, N.A.*, 1:25-cv-00698, (D.D.C. Apr. 16, 2025).

- When asked about this matter by the Senate Judiciary Committee, Bove refused to disclose whether he had directed Denise Cheung or any other Assistant U.S. Attorney or U.S. Attorney's Office to pursue a criminal investigation into the GGRF. He similarly refused to explain why he continued to pursue the matter despite the EPA lawyer's assessment that the Administration's approach involved "significant legal vulnerabilities."²¹

²¹ Questions for the Record, Nomination of Emil Bove to the United States Court of Appeals for the Third Circuit, Questions from Senator Whitehouse at 3-4.

III. Whistleblower Report

- On June 24, 2025, former DOJ prosecutor Erez Reuveni submitted a whistleblower report concerning Bove to Justice Department Inspector General Horowitz, Acting Special Counsel Jamieson Greer, and leaders of the Senate and House Judiciary Committees. Reuveni was placed on administrative leave and ultimately terminated on April 11, 2025, because he refused to file a brief misrepresenting the circumstances of Kilmar Abrego Garcia's removal to El Salvador.²²
- Reuveni revealed that, at a March 14, 2025, meeting convened to discuss the Administration's plan to invoke the Alien Enemies Act, "Bove . . . made a remark concerning the possibility that a court order would enjoin those removals [under the Act] before they could be effectuated. Bove stated that DOJ would need to consider telling the courts 'fuck you' and ignore any such court order."²³ Contemporaneous text messages indicate that multiple lawyers at DOJ witnessed and were aware of Bove's "fuck you" directive.²⁴
- Reuveni further disclosed that Bove "advised the Department of Homeland Security that it may take actions that violate the court's injunction [in *J.G.G. v. Trump*] because the injunction was not yet issued in writing."²⁵ A contemporaneous email between Reuveni and several other DOJ lawyers confirms this statement.²⁶
- When asked about this matter by the Senate Judiciary Committee on June 25, 2025, Bove stated that he did not recall whether he had made a statement to Erez Reuveni and others advising them to tell the courts "fuck you," despite the meeting occurring only three months prior.²⁷ Bove also asserted, "I have never advised a Department of Justice attorney to violate a court order."²⁸ At a minimum, this statement was misleading because it was made in

²² Letter from Erez Reuveni to Inspector General Michael E. Horowitz, Acting Special Counsel Jamieson Greer, Sen. Charles Grassley, Sen. Richard Durbin, Rep. Jim Jordan, and Rep. Jamie Raskin at 1-2.

²³ *Id.* at 7.

²⁴ *Id.* at 11; July 1, 2025 Addendum to June 24, 2025 Protected Whistleblower Disclosure of Mr. Erez Reuveni, Exhibits 1, 7, and 11 (available at https://www.judiciary.senate.gov/imo/media/doc/07-01-2025_-_reuveni_batch_1_index_and_evidence_redacted_final.pdf); July 7, 2025 Addendum to June 24, 2025 Protected Whistleblower Disclosure of Mr. Erez Reuveni, Exhibit 1 (available at [https://www.judiciary.senate.gov/imo/media/doc/07-07-2025%20-%20Reuveni%20Batch%20%20Index%20and%20Evidence%20\(REDACTED%20FINAL\).pdf](https://www.judiciary.senate.gov/imo/media/doc/07-07-2025%20-%20Reuveni%20Batch%20%20Index%20and%20Evidence%20(REDACTED%20FINAL).pdf)).

²⁵ Letter from Erez Reuveni, *supra* note 23 at 13.

²⁶ July 1, 2025 Addendum to June 24, 2025 Protected Whistleblower Disclosure of Mr. Erez Reuveni, Exhibit 6, *supra* note 25.

²⁷ *Nomination of Emil Bove to the United States Court of Appeals for the Third Circuit, Hearing Before the S. Comm. on the Judiciary*, 119th Cong., at 02:49:29 (Jun. 25, 2025) (available at <https://www.judiciary.senate.gov/committee-activity/hearings/nominations-06-25-2025>). *See also* Questions for the Record, *Nomination of Emil Bove to the United States Court of Appeals for the Third Circuit*, Questions from Senator Whitehouse at 13.

²⁸ *Nomination of Emil Bove, Hearing Before the S. Comm. on the Judiciary*, *supra* note 28 at 01:01:56. In addition, when asked by Senator Schiff, "Did you suggest, as Mr. Reuveni wrote, that DOJ would need to consider telling the courts 'fuck you' and ignore any such court order?", Bove responded, "I did not suggest that there would be any need to consider ignoring court orders. At the point of that meeting, there were no court orders to discuss." *Id.* at 02:49:16.

response to a question about Bove's "fuck you" statement, which was a directive to be prepared to violate a court order. The allegation was that Bove told them to be prepared to say "fuck you" to court orders, not to violate a specific court order, so this "answer" was not pertinent.

- This episode is the subject of a contempt probable cause hearing, temporarily stayed (over a dissent), that has suspended the fact-finding now for three months but will eventually produce sworn testimony about this episode.

IV. Applicable Ethics Rules and Regulations (Non-Exhaustive)

New York Rules of Professional Conduct

- **RULE 3.3: CONDUCT BEFORE A TRIBUNAL**

“(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

...

(3) offer or use evidence that the lawyer knows to be false. If a lawyer, the lawyer’s client, or a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

- **RULE 3.3, Comment 6A:** “The duties stated in paragraphs (a) and (b)—including the prohibitions against offering and using false evidence—apply to all lawyers, including lawyers for plaintiffs and defendants in civil matters, and to both prosecutors and defense counsel in criminal cases.”

- **RULE 3.4: FAIRNESS TO OPPOSING PARTY AND COUNSEL**

“A lawyer shall not:

...

(c) disregard or advise the client to disregard a standing rule of a tribunal or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take appropriate steps in good faith to test the validity of such rule or ruling;

(d) in appearing before a tribunal on behalf of a client:

(1) state or allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence;

- **RULE 3.8: SPECIAL RESPONSIBILITIES OF PROSECUTORS AND OTHER GOVERNMENT LAWYERS**

“(a) A prosecutor or other government lawyer shall not institute, cause to be instituted or maintain a criminal charge when the prosecutor or other government lawyer knows or it is obvious that the charge is not supported by probable cause.”

- **RULE 3.8, Comment 1:** “A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of

sufficient evidence. Applicable state or federal law may require other measures by the prosecutor, and knowing disregard of those obligations or a systematic abuse of prosecutorial discretion could constitute a violation of Rule 8.4. A government lawyer in a criminal case is considered a ‘prosecutor’ for purposes of this Rule.”

- **RULE 8.4: MISCONDUCT.**

“A lawyer or law firm shall not:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

. . .

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability:

(1) to influence improperly or upon irrelevant grounds any tribunal, legislative body or public official; or

(2) to achieve results using means that violate these Rules or other law;

. . .

(h) engage in any other conduct that adversely reflects on the lawyer’s fitness as a lawyer.”

- **RULE 8.4, Comment 4A:** “A lawyer harms the integrity of the law and the legal profession when the lawyer states or implies an ability to influence improperly any officer or agency of the executive, legislative or judicial branches of government.”
- **RULE 8.4, Comment 5:** “Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer’s abuse of public office can suggest an inability to fulfill the professional role of lawyers.”
- **NYSBA Ethics Op. 1071 (2015).** “[U]nlike lawyers representing private clients, prosecutors have a duty to seek justice, and . . . in pursuing that duty, individual prosecutors have a responsibility both to exercise their discretion in a disinterested, nonpartisan fashion and to avoid appearances that they are doing otherwise.” (internal quotations omitted)

The Department of Justice’s Justice Manual

- **§ 1-8.100.** “The rule of law depends upon the evenhanded administration of justice. The legal judgments of the Department of Justice must be impartial and insulated from political influence. It is imperative that the Department’s investigatory and prosecutorial powers be exercised free from partisan consideration. It is a fundamental duty of every employee of the

Department to ensure that these principles are upheld in all of the Department's legal endeavors.”

- § 9-27.230. “In determining whether a prosecution would serve a substantial federal interest, the attorney for the government should weigh all relevant considerations, including: The nature and seriousness of the offense; The person's personal circumstances.”
Comment 7: “[T]he fact that the accused occupied a position of trust or responsibility which he/she violated in committing the offense, might weigh in favor of prosecution.”
- § 9-27.260. “In determining whether to commence or recommend prosecution or take other action against a person, the attorney for the government may not be influenced by . . . [t]he person's . . . political associations, activities, or beliefs.”