

July 23, 2025

The Honorable Pam Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Bondi,

Emil Bove's nomination to the United States Court of Appeals for the Third Circuit is currently pending before the Senate. Since his nomination was announced, there has been considerable and well-deserved attention paid to his recent work as Principal Associate Deputy Attorney General. However, Mr. Bove was also employed at the Department earlier in his career—Mr. Bove served as an Assistant United States Attorney at the United States Attorney's Office for the Southern District of New York (SDNY) from 2012 until 2021. This period of his record raises serious questions about his fitness for a lifetime appointment to the federal bench.

From 2019 until 2021, Mr. Bove served as Co-Chief of SDNY's Terrorism and International Narcotics Unit. During his time in that role, he supervised a criminal case in which SDNY prosecutors failed to disclose evidence and then lied to the court about the circumstances of the disclosure (hereafter the *Nejad* case).¹ In contemporaneous text messages about the case, Mr. Bove went so far as to acknowledge his team's "flat lie" to the court.² The misconduct was so profound that, after it came to light, "the Government determined that further prosecution of the case would not be in the interests of justice."³

The judge overseeing the *Nejad* case found that it involved "grave derelictions of prosecutorial responsibility[,]” criticized Mr. Bove for “offer[ing] little in the way of supervision[,]” and urged the Department of Justice's Office of Professional Responsibility (OPR) to investigate the misconduct.⁴ According to public reporting, OPR did open and complete an investigation into the prosecution's conduct in the *Nejad* case.⁵ The extent and scope of that investigation, however

¹ *U.S. v. Nejad*, 18-cr-224 (S.D.N.Y., Feb. 17, 2021).

² Joshua Goodman, *'We lied': NY prosecutors face heat in botched sanction case*, ASSOCIATED PRESS (Feb. 23, 2021), <https://apnews.com/general-news-cb6cbc5b1979dd977a5dc15290e4f10c>.

³ *Supra* note 1, at 1.

⁴ *Id.* at 3, 9.

⁵ 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>.

are not clear. Given Mr. Bove's supervision of the *Nejad* case, and in light of the judge's specific criticism of the lack of supervisory guidance and support, any investigation is potentially relevant to his qualifications to serve as a judge.

This was not the only time Mr. Bove's conduct came under fire during his tenure at the SDNY. In 2018, a group of federal criminal defense attorneys were so concerned about Mr. Bove's conduct—which they viewed as “unprofessional and unethical”—that they wrote to his supervisors at SDNY.⁶ The email, sent by the then-Executive Director of the Federal Defenders of New York, included concerns from both within his office and the larger defense community and described Mr. Bove as the “prosecutor version of a drunk driver—completely reckless and out of control.”⁷

Federal prosecutors, like federal judges, take an oath to the Constitution and are held to the highest standard of ethical conduct. Mr. Bove's association with such egregious prosecutorial misconduct and unprofessionalism raises stark questions about whether he is fit to serve as a Circuit Court judge. Accordingly, I request answers to the following questions by July 28, 2025:

1. Please provide all documents relating to OPR's investigation into the behavior of prosecutors during the *Nejad* case.
2. Did OPR specifically investigate the behavior of supervisors, including Mr. Bove, during the *Nejad* case?
 - a. If so, please provide all documents relating to that investigation.
 - b. If not, why not? Given that the judge specifically condemned the supervisors for “offer[ing] little in the way of supervision[,]” why would an investigation have omitted supervisory failures?
3. Was Mr. Bove's conduct as detailed in above-mentioned Federal Defenders of New York email ever the subject of investigation or discipline?
 - a. If so, please provide details and any related documents.
4. On June 19, 2025, I joined Sen. Booker and other colleagues in sending a letter to Interim U.S. Attorney Jay Clayton about Mr. Bove's tenure at SDNY, in which we requested all internal and external complaints, formal and informal, against Mr. Bove during his time at SDNY, as well as all records regarding his management style, by no later than June 23, 2025.⁸ We still await those materials, and I reiterate that request.

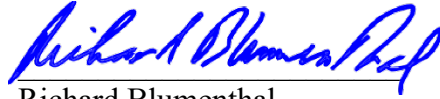
⁶ Letter to Interim U.S. Attorney Jay Clayton from U.S. Senator Cory Booker (June 19, 2025), *available at* <https://www.booker.senate.gov/imo/media/doc/20250619lettertousaosdnyreboverecordsfinal.pdf>.

⁷ *Id.*

⁸ *Id.*

I look forward to your prompt attention to these important requests. The integrity of our federal bench is of the utmost importance.

Sincerely,

A handwritten signature in blue ink, reading "Richard Blumenthal". The signature is fluid and cursive, with the first name "Richard" and last name "Blumenthal" clearly distinguishable.

Richard Blumenthal
United States Senate