



Emil Bove

Nominee to the U.S. Court of Appeals for the Third Circuit

COURT
Circuit Court

DATE NOMINATED
May 28, 2025

AFJ OPPOSES

Introduction

On May 28, 2025, President Trump nominated Emil Bove to serve on the U.S. Court of Appeals for the Third Circuit. Bove is nominated to fill the seat to which President Biden nominated the well-qualified Adeel Mangi in November 2023.

Mangi regrettably lost out on a final confirmation vote because of a December 2024 “deal” struck by Senate leadership to sacrifice any effort to confirm President Biden’s remaining circuit court nominees. Mangi would have brought both demographic and professional diversity to the federal bench, in addition to his unquestionable brilliance, impartiality, fairness, esteemed judgment, and commitment to the Constitution. If confirmed, he would’ve been the first Muslim appellate judge, and he demonstrated a strong commitment to civil rights through his pro bono work.

Unfortunately, Bove’s allegiance lies not with civil rights or the rule of law but with Trump and his authoritarian agenda to expand executive power far beyond the limits set by the Constitution. Bove’s rise to a senior position at the Department of Justice is largely a result of his work as Trump’s personal attorney. His loyalty to Trump is unmistakable, and his legal advocacy on Trump’s behalf foreshadowed his advancement of the administration’s current abuse of executive power.

Since joining the DOJ, Bove has continued to engage in radical, politically motivated activism, offering a preview of how he might wield power from the bench. The following sections detail cases argued by Bove, Department of Justice memos he authored, and memoranda he helped Attorney General Pam Bondi draft as part of their efforts to reshape the DOJ into a tool for targeting perceived political opponents and vulnerable communities. This report will provide a detailed and unflinching account of Bove’s legal and political views, examining the implications of his record in clear terms. As further illustrated below, Bove’s nomination to the federal bench directly threatens and assaults the very premise of an independent judiciary, one that adjudicates based on the rule of law, that protects the Constitution and the American people, and that acts as a pillar of democracy.

Biography

Emil Bove was born in 1981 in Seneca Falls, New York. He graduated from the University at Albany, SUNY in 2003, where he received a B.A. in public policy and economics. After graduating, Bove worked as a paralegal in the U.S. District Court for the Southern District of New York before attending Georgetown University Law Center in 2005, earning his J.D. in 2008.

After graduating, Bove clerked for Judge Richard Sullivan (District Court for the Southern District of New York) until 2009 and for Judge Richard Wesley (Court of Appeals for the Second Circuit) the following year. After his clerkships, Bove joined Sullivan & Cromwell, where he worked until 2012.

In 2012, Bove joined the United States Attorney's Office for the Southern District of New York as an assistant attorney. In 2019, Bove was appointed co-chair of the office's terrorism and international narcotics unit. During that time, the U.S. Attorney's Office conducted an "internal inquiry" into Bove's leadership of the terrorism and international narcotics unit after complaints were made about his "abusive" management style and temper. The investigation led to a recommendation that he be demoted from his position. Bove was also the subject of a letter to the office's leadership by a group of defense attorneys and prosecutors who had worked with him saying Bove had used questionable tactics while litigating cases.

In 2023, Bove became a partner at Blanche Law, a firm founded by Todd Blanche. He then joined Blanche as second chair on Trump's criminal defense team in a New York state court criminal trial, in which Trump was convicted of 34 felony counts of falsifying business records. Bove later represented Trump in federal cases relating to his mishandling of classified documents and his efforts to obstruct the certification of former President Biden's electoral victory.

After Trump was re-elected, he appointed Bove to be principal associate deputy attorney general. Just a few months later, on January 20, 2025, Bove was named acting deputy attorney general. Approximately three months later, Trump nominated Bove to the U.S. Court of Appeals for the Third Circuit, a court that has jurisdiction over Delaware, New Jersey, and Pennsylvania.

Legal and Other Views

CIVIL RIGHTS, RACIAL JUSTICE, AND IMMIGRATION

Bove has consistently amplified hateful and divisive rhetoric toward immigrant communities and used that rhetoric to justify threats against local officials, denials of due process for immigrants, and the erosion of civil rights.

Operation Take Back America Memorandum

One of Bove's first acts at the Department of Justice was issuing a memorandum titled Operation Take Back America, a name that alone evokes extremist, white nationalist rhetoric. In the memo, Bove pushed the dangerous narrative that DOJ's focus must be on "repelling the invasion of illegal immigration."

This was not a call to uphold immigration law, but a deliberate effort to demonize Black and brown communities and weaponize the criminal legal system against them. Even more troubling, Bove openly advocated for the return of the death penalty “with particular emphasis on . . . crimes by illegal aliens and against law enforcement.” As a senior DOJ official, Bove prioritized punishment and dehumanization over due process and civil rights protections, an alarming stance for someone who now seeks a lifetime appointment to the federal bench.

Eliminating Internal Discriminatory Practices Memorandum

In response to one of Trump’s early executive orders aimed at ending so-called “illegal discrimination,” Bove issued a memo declaring that DOJ policies related to “diversity, equity, inclusion, and accessibility” violate federal civil rights laws. Under this new interpretation of federal civil rights laws, Bove then called for the rescission of “all department materials” discussing race or sex-based preferences used to comply with those very laws. His contempt for equality under the law is unmistakable. This interpretation is not only legally flawed; it is historically backwards. Civil rights laws were enacted precisely to address systemic exclusion and discrimination.

Dismantling Civil Rights Enforcement at DOJ

Bove’s broader agenda, in line with and set by that of the administration’s, has been to dismantle protections designed to advance equity. He sought to limit the use of disparate impact analysis, directing DOJ officials to “narrow” the use of these tools, undermining decades of civil rights enforcement. These kinds of analyses are critical to uncovering how facially neutral laws disproportionately harm communities of color, especially in the areas of criminal law and capital punishment. As such, disparate impact analyses are fundamental to preventing discrimination and disproportionate harm.

But Bove didn’t stop with internal policy changes. He also ordered leadership to “identify federal contractors, suppliers, vendors, and grantees” that offered diversity, equity, and inclusion training. He demanded that such trainings exclude terms like “unconscious bias,” “cultural sensitivity,” and “inclusive leadership.” In doing so, Bove disregards the country’s unique diversity and urges law enforcement to do the same, promoting a culture of intolerance towards the multiracial and multicultural realities essential to delivering equal justice under law. These efforts are a clear attempt to strip the DOJ of its stated mission to uphold justice and ensure equal protection under the law.

Ending Illegal DEI and DEIA Discrimination and Preferences Memorandum

Bove’s attacks on inclusive initiatives continued with yet another memo he supported, from Pam Bondi, titled Ending Illegal DEI and DEIA Discrimination and Preferences. While the full content of the memo is not detailed here, it follows a clear pattern: dismantling efforts that aim to create a more representative and equitable government workforce under the false pretense that such efforts themselves constitute discrimination.

Sanctuary Jurisdiction Directives Memorandum

Bove's hostility toward immigrant communities also extended to those who sought to defend their rights. In another memo, he threatened to "end funding to state and local jurisdictions" that refused to cooperate with federal immigration raids, ignoring both constitutional protections afforded to all people and the principles of federalism that allow state and local leaders to protect their constituents.

He went so far as to instruct DOJ officials to "identify and evaluate all ... agreements with non-governmental organizations that provide support" to immigrants, effectively targeting nonprofit groups for offering legal and humanitarian assistance. This is not just aggressive; it is authoritarian.

Bove's record reveals a consistent hostility toward civil rights, immigrant communities, and anyone who dares to challenge unchecked executive power. His view of the law is one where justice is selective, due process is conditional, and dissent is punished. That mindset has no place on the federal bench — let alone a lifetime seat on a U.S. Court of Appeals.

Democracy

Bove's recent legal and political conduct makes clear that his loyalty lies not with the rule of law, but with Donald Trump. Bove has shown a zealous commitment to advancing Trump's extreme deportation agenda — no matter the cost. A former Department of Justice attorney revealed that Bove planned to "resist court orders" that would block their "illegal efforts" to deport individuals. These efforts reportedly relied on ensuring there was a "deliberate delay" and using "disinformation." Bove even went as far to say that the D.O.J. would need to consider telling the courts 'f**k you' and to ignore court orders, according to the account. Bove's actions underscore his willingness to subvert the rule of law in pursuit of a cruel and unlawful agenda.

United States v. Trump (Classified Documents Case)

Bove defended Trump after he repeatedly refused to comply with requests from the National Archives and the FBI to return presidential records he had "improperly" taken to Mar-a-Lago. Despite assurances from a Trump attorney who signed a statement ensuring all classified material had been returned, the FBI discovered over 100 additional classified documents two months later.

Instead of addressing the seriousness of Trump's mishandling of sensitive national security information, Bove pushed a fringe legal theory: that the appointment of Special Counsel Jack Smith was unconstitutional. This baseless claim defies longstanding precedent and his defense strategy underscores his willingness to disregard the law in favor of extreme ideological positions.

United States v. Trump (Election Obstruction Case)

Bove also represented Trump in his election obstruction case, which included Trump's efforts to pressure Vice President Mike Pence to certify a false slate of electors and his role in inciting the violent January 6 Capitol attack.

In defending Trump, Bove argued that Trump's illegal actions were immune from prosecution simply because he was the president, a radical interpretation that effectively places the executive above the law. If elevated to the bench, Bove is likely to uphold this dangerous, king-like vision of executive power, undermining the checks and balances at the core of our democracy and weakening the judiciary's role as a constraint on abuse. Our courts were constructed to defend the Constitution, not throw it away in the name of tyranny.

Restoring the Integrity and Credibility of the DOJ Memorandum

In a memo titled Restoring the Integrity and Credibility of the DOJ, Bove continued spreading misinformation to justify weaponizing the Justice Department against perceived political enemies. For Bove, "restoring integrity" meant attacking those who sought to hold Trump accountable.

He called for investigations into "Special Counsel Jack Smith and his staff and the prosecutors and law enforcement personnel" involved in retrieving classified documents from Mar-a-Lago, documents Trump had hidden in unsecured areas of his residence, including his bathroom.

Bove also targeted the Manhattan District Attorney, the New York Attorney General, and "their staff and other New York officials who target[ed] President Trump and his family." Asserting that in their efforts to uphold the rule of law, they inflicted a "grave injustice" on the American people. A blatant distortion of facts and mischaracterization of the lawful process that led to Trump's conviction.

Trump's felony conviction resulted from a lawful judicial process, not overreach. Unfortunately, Bove has never been interested in being fair-minded; rather, he, like Trump, simply claims that any process that does not yield a favorable result to him is somehow rigged.

Terminations Memorandum

Prior to joining the Department of Justice, Bove had worked at the U.S. Attorney's Office for the Southern District of New York for nearly a decade. Before resigning from the U.S. Attorney's Office in December 2021, Bove had been vital in assisting with the identification of numerous participants in the January 6 Capitol insurrection.

Unfortunately, as part of his retribution campaign at the Department of Justice, Bove turned his attention to the those law enforcement officials in his office and others who responded to the January 6 insurrection, where rioters attacked the Capitol, assaulted and killed law enforcement officials, threatened members of Congress, and called for the hanging of the vice president.

Rather than condemning the violence, Bove, echoing Trump, described these patriotic actions taken by those trying to protect democracy as “a grave national injustice that has been perpetrated upon the American people.”

This chilling effort to punish career officials for doing their jobs and protecting the country reflects a clear abuse of power and a grave weaponization of the federal government to protect an authoritarian administration. Handing Bove even more power over the administration of the law would cause tremendous and irreparable harm because we know what he will do with that power.

Criminal Justice

Bove holds a harsh, punitive view of criminal justice, one that prioritizes punishment and political loyalty over fairness, accountability, or public safety. As a top official in the nation’s largest law enforcement agency, Bove has used his position not to promote justice, but to shield corrupt political allies and inflict harm on already vulnerable communities.

Charging, Plea Negotiations, and Sentencing Guidelines Memorandum

Bove’s approach to criminal law is rooted in retribution, not reform. In charging guidelines, Bove has instructed DOJ prosecutors to “charge and pursue the most serious... offense,” leaving little room for discretion or proportionality.

Moreover, his stated priorities reveal a disturbing imbalance: DOJ efforts, according to Bove, should focus on “protecting law enforcement” when they are “subject to unfair criticism or attack,” not on holding law enforcement accountable for abuse or misconduct. This focus comes at a time when public concern over police violence and civil rights violations continue to grow. Yet Bove’s policies prioritize shielding law enforcement from scrutiny rather than protecting the communities harmed by systemic abuse.

Dismantling Oversight and National Security Units

Bove also supported dismantling key DOJ components designed to protect democratic institutions. This included dissolving the Foreign Influence Task Force, which was responsible for detecting and countering foreign interference in U.S. democracy. He also joined Pam Bondi in significantly weakening the department’s Corporate Enforcement Unit, further eroding accountability for powerful actors.

Reviving the Federal Death Penalty Memorandum

Bove played a key role in preparing the memo that called for reinstating the federal death penalty, a practice previously revived under Trump’s first term. The memo advocated for efforts to “strengthen the federal death penalty as a valid means of punishment” and supported overturning “Supreme Court precedents that limit the authority of state and federal governments to impose capital punishment.”

This position reflects an alarming eagerness not only to resume executions, but to roll back constitutional protections that ensure fairness in capital cases. Justice officials should be committed to due process, not accelerating executions or dismantling safeguards designed to prevent wrongful convictions and abuse.

Dismissal of U.S. v. Adams

Bove's selective approach to justice becomes even more clear in his handling of *U.S. v. Adams*. Despite his relentless push for harsh punishment against marginalized communities, Bove consistently moves to shield politically useful allies from any accountability. Bove directed the U.S. Attorney's Office for the Southern District of New York to "dismiss the pending charges" against New York City Mayor Eric Adams pertaining to alleged abuse of his elected positions to solicit bribes and illegal campaign contributions.

This led to several experienced prosecutors refusing to fulfill the order and quitting in protest because there was no sufficient legal justification for dropping the charges. It was a blatant quid pro quo arrangement between Adams and the administration. Mayor Adams' charges were dropped, and Trump received his compliance with the administration's aggressive and punitive immigration enforcement tactics. This apparent quid pro quo severely undermines public confidence in the impartiality of the Justice Department.

People v. Trump

Bove also defended Donald Trump in his New York criminal trial, where Trump was charged with – and ultimately convicted of – falsifying business records. In aligning himself so closely with a former president now found guilty of 34 felony counts, Bove reinforced the concern that he sees the law not as a tool for justice, but as a shield for the powerful and connected.

Conclusion

Emil Bove's record makes clear he is unfit for a lifetime seat on the federal bench. He has used and misapplied the law to protect the powerful, punish the vulnerable, and advance a far-right political agenda. From defending Trump's attacks on democracy to dismantling civil rights protections and reviving the federal death penalty, Bove has consistently placed ideology over justice and power over principle.

He has no respect for the role of the courts as a check on executive overreach — only a desire to entrench it. Confirming Bove would undermine the integrity of the judiciary and endanger the rights of those most in need of its protection.

Bove is a threat to democracy, and his nomination is a direct affront to the principle of an independent judiciary.