



Emil Bove

Potential SCOTUS Nominee

COURT

U.S. Court of Appeals
for the Third Circuit

Introduction

Throughout his legal career, Emil Bove has demonstrated time and again that he is a Trump loyalist committed to furthering Trump's authoritarian agenda at all costs — even putting Trump's goals above the Constitution. Across multiple legal roles, in private practice as Trump's personal lawyer, at the Department of Justice, and as a Third Circuit judge, Bove has repeatedly 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 to reviving the federal death penalty, Bove has consistently placed ideology over justice and power over principle.

Just as AFJ feared ahead of his nomination to the Third Circuit, Bove's short tenure as a Third Circuit judge continues to demonstrate that he is unfit and unqualified to sit on any federal bench. Bove has no respect for the role of the courts as a check on executive overreach. Any further elevation to the Supreme Court risks further attacks on the Court's independence and threatens the rights of everyone, but especially those in most need of the court's fairness and protection.

Biography

Born in 1981 in Seneca Falls, New York, Bove 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.

An Overview of Legal Experience

After graduating law school, Bove clerked for Judge Richard Sullivan (SD NY) until 2009 and for Judge Richard Wesley (Second Circuit) the following year. Following 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. On May 28, 2025, 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. He was confirmed for a lifetime role on the U.S. Court of Appeals for the Third Circuit on August 20, 2025.

SERVED AS TRUMP'S PERSONAL LAWYER

Like many other Trump loyalists nominated to the federal bench and in prominent positions within the administration, Bove served as Trump's personal lawyer, working to shield Trump from accountability for the president's misconduct.

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 long-standing 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. Sadly, with Bove now sitting on the Third Circuit, his dangerous king-like vision of executive power is closer to being realized. An appointment to the Supreme Court would further threaten the checks and balances at the core of our democracy and weaken the judiciary's role as a constraint on executive abuse.

WREAKING HAVOC AT DOJ

January 6 Retribution Campaign

Bove sparked a significant amount of controversy even during his short tenure at the DOJ. After joining the administration, he quickly emerged as a central figure in implementing some of the administration's most controversial actions at the Justice Department, including efforts to dismiss the corruption prosecution of New York Mayor Eric Adams, purge personnel associated with January 6 investigations, and advance aggressive immigration policies.

When Trump came into power in 2025, he put Bove in charge as the second highest acting official at the DOJ, where Bove became a key figure behind a series of politicized shakeups that targeted prosecutors and FBI personnel who worked on the January 6 Capitol riot investigations. Bove was reported to have had a hand in firing more than a dozen prosecutors who worked on January 6 cases. He also fired eight senior FBI officials and demanded a list of all the FBI personnel who worked on these cases.

Unfortunately, as part of his retribution campaign at the DOJ, Bove turned his attention to 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.

On the other hand, Bove's selective approach to justice was evident in his handling of *U.S. v. Adams*. Despite his relentless push for harsh punishment against marginalized communities, Bove shielded politically useful allies like former New York City Mayor Eric Adams from any accountability. On February 10, 2025, he directed then-acting U.S. Attorney for the Southern District of New York Danielle Sassoon to seek dismissal of charges against Adams as the case against him restricted the mayor's ability to assist with Trump's enforcement of immigration policies. Suggesting that the dismissal amounted to a quid pro quo, Sassoon and several experienced prosecutors refused to fulfill the order and quit in protest because there was no sufficient legal justification for dropping the charges.

Many consider Bove's request to be 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. Such an arrangement significantly undermined public confidence in the impartiality of the Justice Department. Such fears would also ring true if Bove were confirmed for a lifetime appointment on the Supreme Court — the highest court in all the land.

Advanced Extreme Anti-Immigrant Agenda

While at the DOJ, Bove demonstrated a zealous commitment to advancing Trump's extreme deportation agenda — no matter the cost. Whistleblower complaints allege that Bove instructed DOJ employees that they should be prepared to defy court orders to enact Trump's deportation plans. During a department meeting, Bove allegedly stated that DOJ attorneys should tell the courts "fuck you" if they attempted to block the removal of immigrants. Indeed, a former DOJ 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'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.

Leaked documents also suggest that while acting as deputy attorney general, Bove told DOJ prosecutors that the Trump administration was no longer going to intercept suspected drug vessels and that it instead planned to "just sink the boats." Since September 2025, the Trump administration has conducted 59 boat strikes, with at least 205 deaths reported as of May 30, 2026.

These concerns led to serious pushback from senators during his Senate Judiciary Committee confirmation hearing for the Third Circuit. In an instance of rare bipartisan opposition on a Trump judicial nominee, Republican Senators Susan Collins (R-ME) and Lisa Murkowski (R-AK) voted "no" on his nomination to the federal bench.

DEI Attacks at DOJ

In response to President Trump's Executive Order 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," Bove helped implement a sweeping reinterpretation of federal civil rights law that treated many diversity, equity, inclusion, and accessibility (DEIA) initiatives as presumptively unlawful. Through a series of February 2025 DOJ directives, the department ordered the elimination of DEI and DEIA programs, the rescission of internal materials relating to race- and sex-conscious equity initiatives, and a review of policies grounded in disparate-impact principles.

Bove helped implement Attorney General Pam Bondi's memo titled *Eliminating Internal Discriminatory Practices*, which ordered DOJ 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 disregarded 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.

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.

Under this approach, efforts designed to address longstanding barriers to equal opportunity were recast as forms of discrimination themselves. This view is not only legally questionable; it is historically backwards. Federal civil rights laws were enacted to dismantle entrenched systems of exclusion and to ensure equal access to employment, education, housing, and public life. By characterizing many efforts to address systemic inequities as unlawful discrimination, Bove embraced an interpretation of civil rights law that departs from the historic purpose of those statutes and threatens to undermine decades of progress toward equal opportunity. These efforts clearly attempted to strip the DOJ of its stated mission to uphold justice and ensure equal protection under the law. If Bove were to sit on the Supreme Court, these biased and flawed anti-equity and anti-fairness perspectives would be further magnified.

Nomination and Confirmation to Third Circuit

On May 28, 2025, President Trump nominated Emil Bove to the U.S. Court of Appeals for the Third Circuit. His nomination fit into a broader pattern of Trump nominating loyalists and his personal lawyers to the federal bench. He was nominated to fill a seat that President Biden had previously 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 Biden's remaining circuit court nominees.

Despite strong opposition by a number of groups, including more than 900 DOJ staff, Bove's nomination squeaked by on a 50-49 Senate vote.

Tenure on Third Circuit

Because Bove joined the Third Circuit only recently (August 20, 2025), there is not yet a substantial appellate record to evaluate his time on the bench. In December 2025, Bove was spotted attending a Trump event at the Mount Airy Casino Resort in Mount Pocono, Pennsylvania. While he told reporters he was attending the event "as a citizen," his appearance at a political event while serving on the Third Circuit immediately sparked ethics concerns. Canon 5 of the U.S. Courts Judicial Code of Conduct provides that judges should refrain from political activity, such as campaign events or political speeches in support of a candidate.

He also dissented from a denial of hearing en banc in *Eakins v. Adams County Board of Elections*. In *Eakins*, a panel of Third Circuit judges previously ruled that Pennsylvania was required to count undated or incorrectly dated mail-in ballots, finding that directives to discard those ballots violated the Constitution. The Republican National Committee, an intervening appellant, filed a petition for a hearing en banc. While the majority denied the petition, Bove filed a 20-page dissenting opinion. In this dissent, he argues that decisions like these related to the construction and requirements of elections should be within the power of the legislature rather than the judiciary, arguing the latter lacks the same “political accountability” of the former.

Conclusion

Emil Bove’s record reflects a pattern of prioritizing loyalty to Trump over judicial independence, professional norms, and constitutional safeguards. His work as Trump’s personal attorney, his role in controversial Justice Department actions, allegations involving disregard for court authority, and continuing ethics concerns all raise serious questions about his commitment to the impartial administration of justice. Such concerns resulted in serious harms to the independence of the DOJ and later to the Third Circuit. They remain impossible to ignore for a lifetime appointment to the Supreme Court.