

July 15, 2025

Via Email

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Richard J. Durbin
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Durbin:

We are former federal and state judges. We spent our careers upholding the Constitution and the rule of law and opposing crime, corruption, and threats to public safety.

We are writing to the Committee to oppose President Trump's nomination of Emil Bove, his own former personal lawyer, for a lifetime appointment to the U.S. Court of Appeals for the Third Circuit.

Mr. Bove's egregious record of mistreating law enforcement officers, abusing power, and disregarding the law itself disqualifies him for this position.

It is disqualifying alone that Mr. Bove targeted or terminated Federal Bureau of Investigation personnel and career Department of Justice (DOJ) prosecutors for honorably investigating violent criminals who assaulted police officers and intended to murder members of Congress and our nation's Vice President on January 6, 2021. And it is reprehensible that Mr. Bove now refuses to condemn the shameful attack on the dignity and safety of every American that day.

It is also disqualifying that Mr. Bove took the lead in scuttling the Department of Justice's bribery prosecution of New York City Mayor Eric Adams, improperly triggering the resignations of the acting U.S. attorney for the Southern District of New York and a wave of senior lawyers. These are not actions of someone committed to equal justice under the law. Rather, they reflect a troubling pattern of abusing prosecutorial discretion to shield political allies. Such behavior is fundamentally incompatible with the impartiality and independence required of a federal judge.

Now a whistleblower, a DOJ prosecutor who is best known for defending President Trump's first-term immigration policies in court, alleges that Mr. Bove explicitly plotted to violate court orders and direct law enforcement officers to engage in illegal acts. That whistleblower, Erez Reuveni, has provided members of this committee with compelling evidence and volunteered to testify under oath. The Senate has a duty to hear that testimony.

It is also deeply inappropriate for a president to nominate their own criminal defense attorney for a federal judgeship, especially when that president has said he is nominating judges based on whether they will be more loyal to him than to the country. In fact, when President Trump nominated Bove, he posted on social media that Bove would “do anything else that is necessary to, MAKE AMERICA GREAT AGAIN.” That statement underscores the peril of confirming a nominee whose principal qualification appears to be personal loyalty to the president.

Those of us who are federal judges passed through the Senate Judiciary Committee and were confirmed by the Senate. All of us have observed that process and benefited from the federal court system it provides. So we know how critical it is for the functioning of our justice system that Senators rigorously vet nominees for lifetime federal judicial appointments that affect countless lives.

The independence and credibility of the federal judiciary depend on the nomination and confirmation of individuals who demonstrate unwavering respect for the law and the institutions that uphold it. Elevating a nominee whose record reflects a pattern of misconduct, disregard for lawful authority, and political entanglement would not only compromise the integrity of the courts, it would set a dangerous precedent that judicial power may be wielded in service of personal fealty rather than constitutional duty.

The Senate’s role in providing advice and consent is not ceremonial; it is a safeguard against precisely this kind of erosion. Proceeding with this nomination, particularly in the face of credible and sworn allegations from a nonpartisan DOJ attorney that Mr. Bove violated court orders and instructed public servants to act unlawfully, would be a disservice to the constitution, to law enforcement, and to the rule of law.

We strongly oppose the Bove nomination.

Sincerely,

Judge Nancy Gertner, U.S. District Judge, District of Massachusetts (Ret.)

Judge J. Michael Luttig, U.S. Circuit Judge, U.S. Court of Appeals for the Fourth Circuit (Ret.)

Judge Verna A. Adams, Marin County Superior Court, California (Ret.)

Judge Elaine Andrews, Alaska Superior Court (Ret.)

Judge Paul A. Bastine, Spokane County Superior Court, Washington (Ret.)

Chief Justice Michael L. Bender, Colorado Supreme Court (Ret.)

Associate Justice Margot Botsford, Massachusetts Supreme Judicial Court (Ret.)

Associate Justice Bobbe J. Bridge, Washington Supreme Court (Ret.)

Judge Patrick A. Cathcart, Los Angeles County Superior Court, California (Ret.)

Judge Robert J. Cindrich, U.S. District Judge, Western District of Pennsylvania (Ret.)

Judge Susan E. Cox, U.S. Magistrate Judge, Northern District of Illinois (Ret.)
Associate Justice Patricia Cotter, Montana Supreme Court (Ret.)
Judge Ronald E. Culpepper, Pierce County Superior Court, Washington (Ret.)
Judge Beverly W. Cutler, Alaska Superior Court, 3rd Judicial District (Ret.)
Judge James Dannenberg, Hawaii State District Court (Ret.)
Justice Mary McGowan Davis, New York State Supreme Court (Ret.)
Judge Morton Denlow, U.S. Magistrate Judge, Northern District of Illinois (Ret.)
Judge David K. Duncan, U.S. Magistrate Judge, District of Arizona (Ret.)
Judge Sally Duncan, Maricopa County Superior Court (Ret.)
Justice Mark Dwyer, New York State Supreme Court (Ret.)
Judge Gary A. Feess, U.S. District Judge, Central District of California (Ret.)
Chief Judge Sheila M. Finnegan, U.S. Magistrate Judge, Northern District of Illinois (Ret.)
Judge Noel Fidel, Arizona Court of Appeals (Ret.)
Justice Helen Freedman, New York Supreme Court (Ret.)
Judge W. Royal Furgeson, U.S. District Judge, Western District of Texas (Ret.)
Justice Emily Jane Goodman, New York State Supreme Court (Ret.)
Judge Steven M. Gold, U.S. Magistrate Judge, Eastern District of New York (Ret.)
Chief Justice Mark V. Green, Massachusetts Appeals Court (Ret.)
Associate Justice Karen F. Green, Massachusetts Superior Court (Ret.)
Judge Helen Halpert, King County Superior Court, Washington (Ret.)
Associate Judge Brook Hedge, Supreme Court of the District of Columbia (Ret.)
Judge James Hely, Union County Superior Court, New Jersey (Ret.)
Judge Thelton Henderson, U.S. District Judge, Northern District of California (Ret.)
Associate Justice Geraldine Hines, Massachusetts Supreme Judicial Court (Ret.)
Judge Richard J. Holwell, U.S. District Judge, Southern District of New York (Ret.)
Judge Barbara Jaffe, New York State Supreme Court (Ret.)
Chief Judge John Jones, U.S. District Judge, Middle District of Pennsylvania (Ret.)
Associate Judge Anne Keary, D.C. Superior Court Judge (Ret.)
Judge Steven J. Kleifield, Los Angeles Superior Court, California (Ret.)
Judge Michael S. Kupersmith, Vermont Superior Court (Ret.)
Associate Justice Barbara A. Lenk, Massachusetts Supreme Judicial Court (Ret.)
Judge Lowell Jensen, U.S. District Judge, Northern District of California (Ret.)
Judge John P. Leopold, Colorado District Court (Ret.)
Judge Timothy K. Lewis, U.S. Circuit Judge, U.S. Court of Appeals for the Third Circuit (Ret.)
Judge Keith Levy, Alaska First District Court (Ret.)
Judge Barbara Mack, King County Superior Court, Washington (Ret.)
Judge Patrick J. Mahoney, San Francisco Superior Court, California (Ret.)
Judge John S. Martin, U.S. District Judge, Southern District of New York (Ret.)
Judge Victoria S. Marks, Hawaii First Circuit Court (Ret.)
Judge A. Howard Matz, U.S. District Judge, Central District of California (Ret.)

Judge Roanne L. Mann, U.S. Magistrate Judge, Eastern District of New York (Ret.)
Associate Justice James F. McHugh, Massachusetts Appeals Court (Ret.)
Judge Kevin McKenney, Santa Clara County Superior and Municipal Courts, California (Ret.)
Judge Michael Melly, Clallam County Superior Court, Washington (Ret.)
Chief Judge Paul Michel, U.S. Circuit Judge, U.S. Court of Appeals for the Federal Circuit (Ret.)
Judge Peggy J. Nelson, 8th Judicial District Court of New Mexico (Ret.)
Associate Justice James C. Nelson, Montana Supreme Court (Ret.)
Associate Judge Rita M. Novak, Cook County Circuit Court, Illinois (Ret.)
Justice Michael J. Obus, New York County Supreme Court, New York (Ret.)
Senior Judge, Liam O'Grady, U.S. District Judge, Eastern District of Virginia (Ret.)
Judge Stephen M. Orlofsky, U.S. District Judge, District of New Jersey (Ret.)
Judge Brian Owsley, U.S. Magistrate Judge, Southern District of Texas (Ret.)
Judge Jeffrey M. Ramsdell, King County Superior Court, Washington (Ret.)
Judge Judith E. Retchin, D.C. Superior Court Judge (Ret.)
Justice Rosalyn Richter, New York State Court Appellate Division, First Department (Ret.)
Judge Palmer Robinson, King County Superior Court, Washington (Ret.)
Judge David A. Rosen, Los Angeles Superior Court, California (Ret.)
Judge John Romero, 2nd Judicial District Court, New Mexico (Ret.)
Judge Shira A. Scheindlin, U.S. District Judge, Southern District of New York (Ret.)
Judge Barry C. Schneider, Maricopa County Superior Court (Ret.)
Judge Michael Spearman, Washington State Court of Appeals (Ret.)
Judge Fern M. Smith, U.S. District Judge, Northern District of California (Ret.)
Associate Justice Sheila Sonenshine, California Court of Appeals (Ret.)
Judge Merri Souther Wyatt, Oregon Circuit Court, Multnomah County (Ret.)
Chief Justice Marsha Ternus, Iowa Supreme Court (Ret.)
Judge Michael J. Trickey, Washington State Superior Court and Court of Appeals (Ret.)
Judge Thomas I. Vanaskie, U.S. Circuit Judge, U.S. Court of Appeals for the Third Circuit (Ret.)
Judge John P. Wesley, Vermont Superior Court Judge (Ret.)
Judge Patricia Whalen, Vermont Family Court (Ret.)
Judge Jeffrey K. Winikow, Los Angeles Superior Court, California (Ret.)

CC: The Honorable John Thune, Majority Leader
The Honorable Charles E. Schumer, Minority Leader