

United States Senate

WASHINGTON, DC 20510

February 27, 2025

Counsel
Office of Professional Responsibility
U.S. Department of Justice
950 Pennsylvania Avenue NW Suite 3266
Washington, D.C. 20530

Dear Counsel:

We write to lodge an ethics complaint regarding Acting Deputy Attorney General Emil Bove III's conduct in dismissing pending federal charges against New York Mayor Eric Adams.

Public reports indicate that Mr. Bove used the power of his office to execute a *quid pro quo* deal in which the Department of Justice dismisses charges against Mayor Adams in return for Mayor Adams's promised cooperation with federal immigration enforcement efforts in New York City. Mr. Bove's direction to dismiss the charges has spurred at least eight protest resignations of Department attorneys, including the resignation of the Acting U.S. Attorney for the Southern District of New York, who wrote that she personally observed Mr. Bove directing the confiscation of the notes and admonishing the note-taker in a meeting in which Mayor Adams's lawyers suggested the *quid pro quo* deal.

Mr. Bove's conduct in directing the dismissal of charges appears to violate multiple applicable ethics rules, including the Department of Justice's own Justice Manual and the New York Rules of Professional Conduct applicable to Mr. Bove as a New York-barred attorney. At a minimum, Mr. Bove appears to have violated provisions of the Justice Manual requiring that the Department's investigatory and prosecutorial powers be exercised free from political considerations. Mr. Bove also appears to have violated provisions of the New York Rules of Professional Conduct imposing a duty of candor before a tribunal and forbidding conduct that is prejudicial to the administration of justice or implying an ability to improperly influence any public official.

Please find enclosed an appendix further elaborating specific facts and relevant rules and regulations that Mr. Bove appears to have violated. We respectfully request that the Office of Professional Responsibility review Mr. Bove's conduct. Thank you for your attention to this important matter.

Sincerely,



SHELDON WHITEHOUSE
United States Senator



RICHARD BLUMENTHAL
United States Senator

Enclosure

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
- So far, eight Department of Justice prosecutors have chosen to resign rather than sign a Rule

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 1 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.*

48(a) motion to dismiss the case.⁹

- 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?’”¹⁰
- 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 February 21, 2025, U.S. District Judge Dale Ho appointed an amicus curiae to present arguments on the motion to dismiss in light of the public importance of the case.

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

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

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 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>.

action against a person, the attorney for the government may not be influenced by . . . [t]he person's . . . political associations, activities, or beliefs.”

New York Rules of Professional Conduct

- **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)
- **RULE 3.4.** “(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.”