

# **WITH EMIL BOVE'S CONFIRMATION, TRUMP HONES HIS CRIMINAL PROTECTION RACKET**

After a 50-49 vote confirming him (Susan Collins and Lisa Murkowski voted against, with all Democrats), Emil Bove will be installed in New Jersey's Third Circuit seat. He will remain there until retirement, death, impeachment, or criminal prosecution – or, quite possibly, promotion to SCOTUS – removes him.

It pains me to catalog the ways in which Bove's confirmation serves and advances Trump's criminal protection racket. But we need to understand how Trump plans to destroy rule of law and Bove's central role in it.

## **Reward for keeping Trump out of prison**

Bove left SDNY at a point when his career stalled. He had faced problems because of his bullying and supervised the worst Brady violation in recent memory. After briefly representing Guo Wengui's co-conspirator (and facing a conflict review because he had supervised the investigation against her), he joined up with Todd Blanche on Trump's defense team.

There's little indication he did anything of note on the defense team. John Sauer masterminded the successful ploy for immunity and Aileen Cannon needed little help in finding an excuse to throw out the stolen documents case.

But he did enough to reassure Trump that he would be Trump's fixer, and so he ran DOJ until Pam Bondi and Todd Blanche were confirmed, and remained in a key role after that.

# Reward for the abuse and misconduct Bove risked

During his short tenure at DOJ, Bove did at least three things that have merited ethical review and/or could justify criminal review:

- He engaged in what Judge Dale Ho suggested was a quid pro quo, dismissing the case against Eric Adams in exchange for pliant cooperation from NYC's Mayor
- He repeatedly ordered lawyers to act in contravention of their oath and ethical obligations and fired those who did not comply
- He gave the order to unload over two hundred men into a concentration camp based on an Alien Enemies Act declaration that Trump should have known was riddled with false claims; the men credibly claim they were tortured and raped there

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**Subject:** Advice to DHS

I have been told by ODAG that the principal associate deputy attorney general advised DHS last night that the deplaning of the flights that had departed US airspace prior the court's minute order was permissible under the law and the court's order.

Sent from my iPhone

All of these are the subject of some kind of review (in the form of bar complaints and the contempt proceeding before Boasberg). But even if those reviews find Bove engaged in misconduct, without the political pressure that failed here, he'll be largely immune from consequences.

## Continued debasement of the Senate

Republicans confirmed Bove because of loyalty to Trump. In doing so, they blew off:

- A letter signed by over 900 former DOJ lawyers
- A letter signed by 80 former judges, including Michael Luttig
- Three whistleblower complaints, two focused on the immigration defiance and a third focused on his role in the Eric Adams quid pro quo (Whistleblower Aid revealed the complaint submitted to DOJ IG got "lost" until yesterday)

There's surely a range of rationalizations Senators adopted to explain why they did it. A

terror of Trump's wrath, a disinterest in their own constitutional obligations, a belief in laughably thin claims that the objections to Bove – all rooted in rule of law, from astonishingly large bipartisan judges and lawyers who adhere to rule of law – were partisan attacks.

Every time Trump gets the Senate to confirm someone who is facially unqualified – starting with Pete Hegseth, moving on to RFK Jr, then to install his defense attorneys at Attorney General, Deputy Attorney General, and Solicitor General, onto the conspiracy theorists at FBI, and now to Bove – he expands their tolerance to do more of the same.

He has domesticated the Senate, like dumb slobbery puppies who keep rolling in their own shit.

## **Eviction of real lawyers**

I'm not sure I have a good count of all the principled lawyers that Emil Bove left in his wake. They include:

- Lawyers who prosecuted Trump's mob
- Lawyers who prosecuted Trump for stealing classified documents
- The entire Eric Adams prosecution team
- People at Public Integrity who refused to sign off on Bove's corrupt quid pro quo
- Denise Cheung, who refused to hold payments based on James O'Keefe conspiracy theories

## ▪ Erez Reuveni

Which is to say, before he left DOJ, Bove removed around career 50 lawyers who believed in upholding the law, even against the powerful.

## Unexplained DC Circuit complicity in Bove's impunity

For the entirety of the time Bove's confirmation was pending, two Trump appointed judges, Greg Katsas and Neomi Rao, sat on Boasberg's contempt ruling, stalling any discovery to learn more about Bove (and others') misconduct on the Alien Enemies Act case.

It's bad enough that they stalled on this. How they decided to do so concerns me even more. Were they taking instructions from someone?

## Punishment of real judges

In curious timing, yesterday Pam Bondi filed a misconduct complaint against James Boasberg in the DC Circuit.

The conspiracy theory behind the complaint has been bubbling around for a few weeks: Someone leaked details of a Judicial Conference meeting days before Judge Boasberg imposed a stay on Trump's Alien Enemies Act deportations to propagandist Margot Cleveland.

Steve Vladeck explains more about the complaint and argues this is intended to throw red meat to Trump's base and cow *other* judges. But it may also be designed to give Katsas and Rao a pretext to do something other than let the contempt case move forward. That is, this may be an effort to shut down further inquiry in how Trump's DOJ knowingly sent 200 men, many innocent, to a concentration camp as part of a quid pro quo to help Nayib Bukele bury his own

ties to MS-13.

## **A captive judge at Bedminster**

Bove is from Pennsylvania, not New Jersey. By appointing Bove to the NJ seat (a Delaware seat was also open), Trump ensures that his own defense attorney will be available (though arguably conflicted) for any problems that arise for him in his summer home, Bedminster, which also happens to be where some of the still-missing stolen documents disappeared to.

We had a window to reverse Trump's mafia state before he packed the courts. With Bove's confirmation, that window begins to close.