

Congress of the United States

Washington, DC 20515

February 12, 2025

Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Inspector General Horowitz,

We are all former Department of Justice (DOJ) employees who write to you regarding the clear and disqualifying conflicts of interests that exist among at least two Department employees: Acting Deputy Attorney General Emil Bove, and Interim United States Attorney for the District of Columbia Ed Martin. Both appear to be taking official actions in matters where they previously represented interested parties, which is a clear violation of DOJ regulations and the American Bar Association’s Model Rules of Professional Conduct.

We therefore ask that you immediately open an investigation into Mr. Bove and Mr. Martin to determine the extent of their misconduct, whether DOJ ethics officials were consulted and what their recommendation was, and whether any disciplinary actions must be undertaken – including a referral to their bar associations’ disciplinary committees.

Acting Deputy Attorney General Bove

Until at least January 10, 2025, Mr. Bove represented President Donald Trump in multiple high-profile legal matters, including defending him in the cases investigated and prosecuted by Special Counsel Jack Smith—*United States v. Donald J. Trump, Waltine Nauta, and Carlos De Oliveira*, Case No. 9:23-cr-80101-AMC (the “classified documents case”) and *United States v. Donald J. Trump*, Case No. 1:23-cr-00257 (TSC) (the “election interference case”) — as well as the New York State hush money case.¹

Despite that representation, Mr. Bove has taken a number of actions in connection to those cases, including ordering the retaliatory termination of DOJ prosecutors and FBI Special Agents who worked on those cases on the opposite side from him. On January 31, in an apparent effort to exact revenge on behalf of his former client, Mr. Bove sent a memo to FBI officials with the subject line “Terminations,” which terminated eight senior FBI officials, including those who worked on his former client’s cases, and demanded the submission of details on thousands of agents and analysts who worked on the January 6 cases, including his former client’s.² Separately, on that same day, Mr. Bove directed Mr. Martin to terminate all DOJ prosecutors

¹ Jeremy Herb, Hannah Rabinowitz, Holmes Lybrand, Katelyn Polantz, & Tierney Sneed, *Here’s who is representing Trump during his election interference case hearing*, CNN POLITICS (Sep. 5, 2024, 9:55 AM), www.cnn.com/politics/live-news/trump-hearing-jan-6-election-09-05-24#h_0768d3babb1c61b976cf0e64ed3765f6.

² Josh Campbell, Evan Perez, Hannah Rabinowitz and Tierney Sneed, *FBI turns over details of 5,000 employees who worked on January 6 cases to Trump Justice Department, as agents sue*, CNN POLITICS (Feb. 4, 2025), www.cnn.com/2025/02/04/politics/fbi-employees-tuesday/index.html.

assigned to the criminal cases related to the January 6 attack on the U.S. Capitol – a directive which Martin subsequently carried out.³

More recently, just hours after being sworn in as Attorney General, Pam Bondi cited President Trump’s assertion during his inauguration speech that “[t]he prior administration and allies throughout the country engaged in an unprecedented, third-world weaponization of prosecutorial power to upend the democratic process” in creating a “Weaponization Working Group.”⁴ Although the “Working Group” appears to be asked to find evidence to support a conclusion the Department has already reached, the Acting Deputy Attorney General, Mr. Bove’s Office of the Deputy Attorney General is charged with participating in this effort. According to Ms. Bondi’s memo, the “Working Group” is intended “to identify instances where a department’s or agency’s conduct appears to have been designed to achieve political objectives or other improper aims rather than pursuing justice or legitimate governmental objectives,” including the two Special Counsel cases and the New York hush money case, in all of which Mr. Bove represented President Trump, the very person who issued the Executive Order that led to the creation of the “Working Group.”⁵

Under 28 CFR 45.2, DOJ employees are prohibited from participating in criminal investigations or prosecutions if they have a personal or financial conflict of interest — specifically, forbidding those who have a political relationship under subsection (c)(1). In Mr. Bove’s case, he is now taking actions on behalf of the United States in matters in which he previously represented the defendant, Donald Trump. Moreover, Mr. Bove has not only refused to recuse himself — as required by this DOJ regulation — but he is in fact making the ultimate decisions about the prosecutors and investigators in those cases. This blatant violation of this regulation not only warrants an investigation but brings great shame on the Department we proudly represented.

Moreover, per the New York Rules of Professional Conduct Rule 1.7(a)(2), Mr. Bove is prohibited from representing a client — in this case the United States — where there is “significant risk” that he will be limited by the lawyer’s responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

Further, 5 CFR 2635.101(b)(14) instructs employees to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Any violation of this regulation is determined from “the perspective of a reasonable person with knowledge of the relevant facts.”⁶ No reasonable person would find Bove’s prior representation in this case to pass such a test. In fact, citing 5 CFR 2635.501 & .502, the Department’s own *Summary of Government Ethics Rules for New Department Officials* explicitly states that an

³ Kyle Cheney & Josh Gerstein, *DOJ fires dozens of prosecutors who handled Jan. 6 cases*, POLITICO (Jan. 31, 2025), <https://www.politico.com/news/2025/01/31/doj-purges-prosecutors-january-6-cases-00201904>.

⁴ MEMORANDUM FOR ALL DEPARTMENT EMPLOYEES FROM ATTORNEY GENERAL PAM BONDI, *Restoring the Integrity and Credibility of the Department of Justice* (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388506/dl?inline>.

⁵ Exec. Order No.14147, 90 FR 8235 (2025).

⁶ 5 CFR 2635.101(b)(14).

attorney must disqualify themselves from any case in which they participated before entering government.⁷

Under the “Remedies for Conflicts” prescriptions laid out in the DOJ’s *Ethics Handbook*, an employee whose impartiality might be questioned based on a conflict of interest must either disqualify themselves from the matter or seek guidance from an agency ethics official.⁸ And an agency official can authorize the employee to participate despite the conflict only if the Department’s interest in the employee’s participation outweighs the concern that the integrity of the Department’s operations would be questioned.⁹ There is no evidence Mr. Bove sought or received prior guidance or determination to participate in these cases. Even if he had, no reasonable agency designee would sign off on such a waiver, as Mr. Bove’s clear conflicts of interest and personal vendetta were evidenced by his subsequent retaliatory actions aimed at the now-terminated DOJ employees, whose actions he described as “subversive.”¹⁰

Here, there can be no dispute that Mr. Bove’s actions violated these rules and regulations, as the matters related to his former client, Donald Trump, are the very subject of the actions he has now taken by his former client’s opposing party, the United States.

Interim United States Attorney for the District of Columbia Ed Martin

Mr. Martin’s conflicts of interest are equally troubling. Mr. Martin represented Joseph Padilla in his trial in which Padilla was convicted of assaulting police with a dangerous weapon and obstructing Congress. See *United States of America v. Joseph Lino Padilla*, Case No. 1:21-cr-214 (JDB).¹¹ On January 21, 2025, Mr. Martin, in his capacity as Interim United States Attorney for the District of Columbia, moved to dismiss the case against Padilla, who received a pardon from President Trump. Yet it was not until February 5, 2025, that Mr. Martin moved to withdraw from representing Padilla. In other words, Mr. Martin was the attorney of record for *both* parties in one case.

Mr. Martin clearly flouted the impartiality regulation in 5 C.F.R. § 2635.502, which opposes the participation of a federal in any matter in which his own client or former client is a party, unless they receive an authorization to participate per 502(d). Like Mr. Bove, there is no evidence Mr. Martin sought prior authorization. In fact, his continued representation of *both* parties in the same case is perhaps the most egregious example possible of a violation of this regulation.

⁷ JUSTICE MANAGEMENT DIVISION, U.S. DEP’T OF JUSTICE, *Summary of Government Ethics Rules for New Department Official* (Jan. 15, 2015), <https://www.justice.gov/jmd/ethics/summary-government-ethics-rules-new-department-officials>.

⁸ JUSTICE MANAGEMENT DIVISION, U.S. DEP’T OF JUSTICE, *Ethics Handbook for On and Off-Duty Conduct* (Nov. 2024), <https://www.justice.gov/jmd/ethics/ethics-handbook#Conflicts>.

⁹ 5 CFR 2635.502(d)

¹⁰ Kyle Cheney & Josh Gerstein, *DOJ fires dozens of prosecutors who handled Jan. 6 cases*, POLITICO (Jan. 31, 2025), <https://www.politico.com/news/2025/01/31/doj-purges-prosecutors-january-6-cases-00201904>.

¹¹ Andrew Perez, *Trump’s New Federal Attorney Withdrew Jan. 6 Charges against His Own Client*, ROLLING STONE (Feb. 5, 2025), <https://www.rollingstone.com/politics/politics-news/trump-prosecutor-ed-martin-jan-6-client-conflict-1235258154/>.

Further, Rule 1.7 of DC Bar’s Rules of Professional Conduct prohibits a lawyer from representing a client if the representation will be directly adverse to another client. As the representative of both the United States and Mr. Padilla, Mr. Martin’s representation of both parties was directly adverse to his client, the United States. His conduct is also likely subject to Rule 1.11, which limits ethical conflicts for lawyers who move between government and private practice. The rule expressly forbids lawyers from accepting other employment in connection with matters that are the same as or “substantially related” to matters in which they participated personally and substantially while serving as public officers or employees.¹² Such a brazen conflict of interest should be a case study for law school ethics courses. In fact, Mr. Martin currently faces a DC bar complaint for his conduct for the dismissal of these charges against his client.¹³

To make matters worse, Mr. Martin not only represented those who participated in the January 6 insurrection, but he was also an *organizer, participant, and witness* to the “Stop the Steal” rally at the Capitol himself.¹⁴ By his own contemporaneous admission on X, he personally attended the rally-turned-insurrection.¹⁵ In addition, on June 8, 2021, Mr. Martin posted on X that “Oath Keepers are all of us” — a clear sign of his support for, and affinity with, the Oath Keepers, a domestic violent extremist group whose leaders were convicted by a jury of seditious conspiracy, among other crimes, before President Trump pardoned them all on his first day in office.¹⁶

Yet again, the impartiality regulation of 5 C.F.R. § 2635.502 should have compelled Mr. Martin to recuse himself from the entire January 6 matter. As a witness and participant in the January 6 protest, Mr. Martin overtly and substantively displayed partiality in his actions and public support for the charged and convicted January 6 criminals. This violation of impartiality is only made worse by the fact that, as mentioned previously, Mr. Martin personally fired the very prosecutors who not only investigated the January 6 attack as a whole, but the defendant he represented as well.¹⁷

Mr. Martin’s conduct is a further breach of the DC Bar’s Rules of Professional Conduct, which expressly prohibit a lawyer from serving as an advocate in a trial where said lawyer is likely to be a “necessary witness” (with certain exceptions that are not applicable in this case).¹⁸ In fact,

¹² D.C. RULES OF PROF’L CONDUCT, R. 1.11 (2025), <https://www.dcbbar.org/for-lawyers/legal-ethics/rules-of-professional-conduct/client-lawyer-relationship/successive-government-and-private-employment>.

¹³ The 65 Project, Bar Complaint Against Edward Martin (Feb. 6, 2025), <https://the65project.com/bar-complaint-against-edward-martin/>.

¹⁴ Kyle Cheney, *Ed Martin Jr., a crusader for Jan. 6 defendants, now oversees their absolution*, POLITICO (Jan. 29, 2025, 1:00 PM), <https://www.politico.com/news/2025/01/29/ed-martin-jr-jan-6-defendants-00201269>.

¹⁵ Ed Martin (@EagleEdMartin), X (Jan. 6, 2021, 2:53 PM), <https://x.com/EagleEdMartin/status/1346907779492143106>.

¹⁶ Kyle Cheney (@kylecheney), X (Jan. 29, 2021, 1:10 PM), <https://x.com/kyledcheney/status/1884665336483426717>.

¹⁷ Spencer S. Hsu & Tom Jackman, *D.C. U.S. attorney fires Jan. 6 prosecutors, launches new probes*, WASH POST (Jan. 31, 2025), <https://www.washingtonpost.com/dc-md-va/2025/01/31/jan6-prosecutors-fired-dc-martin/>.

¹⁸ D.C. RULES OF PROF’L CONDUCT, R. 3.7 (2025), <https://www.dcbbar.org/for-lawyers/legal-ethics/rules-of-professional-conduct/advocate/lawyer-as-witness>.

the House Select Committee on the January 6 Attack issued a subpoena to Mr. Martin, but he did not testify because he evaded service.¹⁹ The Committee’s cover letter cited evidence indicating that Mr. Martin took part in logistical planning for the rally and “paid costs associated with vendors hired for that event.”²⁰

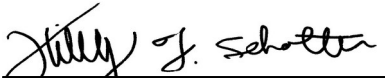
Given the severity of these conflicts, we urge your office to initiate an immediate investigation into the ethical conflicts of Mr. Bove and Mr. Martin. Their actions and conflicts of interest appear to have compromised their ability to act in the public interest and have undermined public trust in the Department of Justice. The impartiality of DOJ employees is fundamental to ensuring fairness and justice, and it is imperative that these issues be addressed without delay.

We appreciate your attention to this matter and trust that you will take the necessary steps to maintain the integrity and impartiality of the DOJ. Thank you for your commitment to upholding the highest ethical standards in government.

Sincerely,



Dan Goldman
Member of Congress



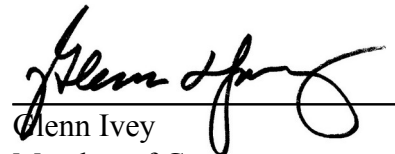
Hillary J. Scholten
Member of Congress



Stacey E. Plaskett
Member of Congress



Mikie Sherrill
Member of Congress

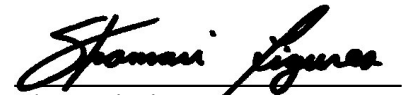


Glenn Ivey
Member of Congress

¹⁹ Letter from Chairman Bennie G. Thompson to Ed Martin (Dec. 9, 2021), <https://web.archive.org/web/20211229191853/https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20211209%20Ed%20Martin%20Letter.pdf>.

²⁰ *Id.*, 2.


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