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Analysis



Ed Martin, right center, then president of the Phyllis Schlafly Eagles, speaks outside the Republican National Committee headquarters, as Code Pink co-founder Medea Benjamin, far left, holds a sign in opposition Nov. 5, 2020, on Capitol Hill in Washington. Martin's nomination for U.S. attorney was withdrawn after some Republican senators said they wouldn't vote to confirm him because of his work defending Jan. 6 rioters. (AP/Alex Brandon)

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President Donald Trump withdrew Ed Martin Jr.'s nomination for U.S. Attorney for the District of Columbia this month. Instead, Trump appointed Martin to multiple roles in the U.S. Department of Justice — including the head of a new unit that aims to probe what Trump calls the political "weaponization" of the department under former President Joe Biden.

Now, some former DOJ attorneys are concerned Martin, a devout Catholic, will use his new posts to spread disinformation, delegitimize future elections, and target leading Democrats and prosecutors who have pursued Trump. Indeed, it may already be happening.

Martin's nomination for U.S. attorney was withdrawn after some Republican senators said they wouldn't vote to confirm him because of his work defending Jan. 6 rioters.

In March, Martin threatened to blackball Georgetown University's law school graduates from DOJ internships if the school doesn't eliminate diversity, equity and inclusion programs and curriculum. The law school's dean called the threats an "attack on the University's mission as a Jesuit and Catholic institution."

Martin attended the Jesuit College of the Holy Cross in Worcester, Massachusetts, the Pontifical Gregorian University in Rome, and the Jesuit St. Louis University's law school. He has long advocated for conservative Catholic causes; CatholicVote, a political organization that backed Trump for president, endorsed Martin's nomination for U.S. attorney.

The DOJ did not respond to the National Catholic Reporter's request for a comment from Martin.

As the head of the DOJ's nascent and vague "weaponization working group," Martin is tasked with leading the department's investigations into potential abuses of the criminal justice process by current and former officials.

Related: Trump's US attorney in DC fires salvo at Georgetown law school. Dean fires back.

In a Feb. 5 memo announcing the new group, Attorney General Pam Bondi named former Special Counsel Jack Smith and his staff as a primary subject of investigation, along with New York Attorney General Letitia James, Manhattan District Attorney Alvin Bragg (both Democrats) and other New York-based officials.

The DOJ recently launched an inquiry into Andrew Cuomo, the Democratic former New York governor, according to The New York Times. The inquiry comes a month after Martin, as interim U.S. attorney for Washington, D.C., opened an investigation into Cuomo for allegedly making false statements to Congress.

The flurry of probes "should alarm anybody concerned about the rule of law," Stacey Young, the founder of Justice Connection and a former longtime attorney in the DOJ's civil rights division, told Democracy Docket. "They seem to be targeting the president's political enemies, which is antithetical to how the rule of law must work."

Martin also is using his new position to spread disinformation and sow doubt in the voting process.

In an interview with Tucker Carlson, Martin suggested that there was voter fraud in the 2020 election and said that he plans to investigate.

"The numbers were weird, I thought. Well, not just the numbers, all, everything about, uh, characteristics of, of all of the election, and then there was the admission that the election was fortified. It was intentionally planned to do that in such a way to get results that looked off," Martin said.

"Now, does that mean they cheated?" Martin continued. "We don't have that smoking gun, but we certainly have over and over and over again aspects of things that didn't look right, and we've never had the answers on it. So yes, we will get to the bottom of it again."

In the same interview, Martin cast doubt on the process used by the Election Assistance Commission (EAC) — the bipartisan, independent federal elections

agency that helps state and local officials improve election administration — for certifying election equipment.

"Everything else we've seen in government is broken, corrupt, messy, incompetent or something, right?" Martin asked. "What are the chances that's the one place where it's totally competent and totally without any flaws? I'm just saying, let's go look, right?"

It's a line of questioning that is extremely troubling to David Becker, the founder and executive director of the Center for Election Innovation & Research and a former trial attorney in the DOJ's voting section.

"This is based on pure disinformation," Becker told Democracy Docket. "And it appears that this disinformation and these frivolous investigations that are supposedly being initiated are designed to destabilize our democracy and create doubt about future elections that perhaps the president is concerned his party might not win."

"There is an effort to use the institutions that have previously been used to support our democracy to delegitimize some aspects of it now," Becker said. "And the credibility that institutions like the Department of Justice and the Department of Homeland Security have understandably built up over time is now being weaponized against some basic foundations of our democracy."

Since Martin assumed his new role at the DOJ, he's made it clear that he intends not to uphold the law but to target and discredit Trump's political enemies.

"If they can be charged, we'll charge them," Martin said at a recent press conference. "But if they can't be charged, we will name them. And we will name them, and in a culture that respects shame, they should be people that are ashamed."

Naming people who aren't being charged appears to violate the department's policies. A DOJ manual explicitly prohibits attorneys and officials from publicly naming uncharged parties without justification.

"That's not how our justice system works," Young said. "I know it's a cliche but everybody knows you're innocent until proven guilty, and if the department is out

there broadcasting that you're guilty before proving it, that's a shocking breach of protocol."

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Under Bondi, the DOJ has seen abrupt changes since Trump's return to the White House, the civil rights division — including the voting section — has experienced a mass exodus of attorneys. And it has radically changed its mission statements from defending civil rights laws to pushing Trump and the GOP's political agenda. In its voting section, that means an unprecedented shift to focus on investigating voter fraud, which is exceedingly rare in the U.S., instead of defending voting rights.

The DOJ's public integrity section is considering adopting a proposal to make it easier to indict members of Congress, the Washington Post reported. The change would make it even easier for Trump appointees in the DOJ to go after the president’s political enemies.

The DOJ's internal manual aims in part to prevent political prosecutions. But when department policies are violated, there's little recourse, former department staff say.

"Unfortunately, the policies in the Justice Manual don't have any kind of enforcement mechanism," Young said. "But in the past, there hasn't really needed to be a mechanism for enforcement because officials acting in good faith took the Justice Manual very seriously."