

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 6, 2025

Office of Disciplinary Counsel
District of Columbia Court of Appeals
515 5th Street NW
Building A, Suite 117
Washington, DC 20001

Re: Request for Disciplinary Investigation of Edward Robert Martin, Jr.

To the Disciplinary Counsel:

We write to express our grave concern about actions taken by Edward Robert Martin, Jr. that may constitute professional misconduct under the D.C. Rules of Professional Conduct. Since his appointment as Interim U.S. Attorney for the District of Columbia on January 20, 2025, Mr. Martin has abused his position in several ways, including dismissing charges against his own client and using the threat of prosecution to intimidate government employees and chill the speech of private citizens. Due to the serious nature of this misconduct, we request that the Office of Disciplinary Counsel open an investigation to determine whether Mr. Martin, who is a member of the D.C. Bar, violated applicable D.C. Rules of Professional Conduct and should be subject to disciplinary action.

While in private practice, Mr. Martin appeared as defense counsel in cases related to the January 6, 2021 attack on the U.S. Capitol.¹ On January 21, 2025, Mr. Martin personally submitted a motion to dismiss the eight felony counts and two misdemeanors against Joseph Padilla, who had already been convicted and sentenced for these charges.² While in private practice, Mr. Martin represented Mr. Padilla in this very matter, and Mr. Martin sought this dismissal while still representing Mr. Padilla.³ By not recusing himself from this matter, Mr. Martin created an impermissible conflict of interest and appearance of impropriety by using his new government office to favor his client, whom he was defending from the very charges he sought to dismiss.

Similarly, Mr. Martin appeared as defense counsel for January 6 defendant William Chrestman, a member of the Proud Boys' Kansas City chapter.⁴ Mr. Chrestman was sentenced to four and a half years imprisonment after pleading guilty to one count each of obstruction of an

¹ *United States v. Padilla*, 21-cr-214 (JDB); *United States v. Chrestman*, 21-cr-160-5 (TJK); *United States v. Krol*, 22-cr-110-1 (RC).

² See *United States v. Padilla*, No. 1:21-cr-00214 (D.D.C. Jan. 21, 2025).

³ Mr. Martin did not seek to withdraw his representation of Mr. Padilla until February 4, a full 14 days after he personally signed the motion to dismiss. See *Defense Counsel's Motion to Withdraw as Counsel, United States v. Padilla*, No. 1:21-cr-00214 (D.D.C. Feb. 4, 2025).

⁴ Spencer S. Hsu, Salvador Rizzo, & Tom Jackman *Lawyer Who Represented Jan. 6 Defendants Made Interim D.C. U.S. Attorney*, WASH. POST (Jan. 21, 2025), <https://www.washingtonpost.com/dc-md-va/2025/01/21/ed-martin-jan-6-lawyer-dc-us-attorney/>

official proceeding and threatening a federal officer.⁵ Mr. Martin only moved to withdraw from his representation of Mr. Chrestman on February 4, 2025.⁶ This withdrawal occurred after Mr. Martin initiated Project 1512, an internal review of the use of 18 U.S.C. §1512 obstruction charges by the U.S. Attorney's Office for the District of Columbia in January 6 cases.⁷ By not removing himself from the Chrestman matter in a timely fashion, Mr. Martin created an appearance of impropriety.

There is also evidence indicating that Mr. Martin, since his appointment as Interim U.S. Attorney, has communicated directly with January 6 defendants who were not his clients. William Pope was charged with one felony and four misdemeanors for his actions on January 6.⁸ On January 28, 2025, Mr. Pope filed a post-dismissal notice to the court and motion to produce casefiles which refers to ongoing discussions with Mr. Martin: "I have asked the new U.S. Attorney if the government is opposed to me keeping these files with my case notes... and I have been told the government no longer considers these specific items sensitive for me."⁹ In a later filing, Mr. Pope asked the court to "direct Mr. Martin to file a statement on whether or not he allowed me to keep all discovery files that are intertwined with my case notes."¹⁰ If he communicated directly with Mr. Pope about his case, Mr. Martin created the appearance of impropriety because he may be called as a witness for the defendant in a matter involving the office he currently leads.

The D.C. Bar defines misconduct as "[a]cts or omissions by an attorney... which violate the attorney's oath of office or the rules or code of professional conduct currently in effect."¹¹ Mr. Martin's apparent misconduct here seems to violate several rules. Rule 1.7(b)(4) prohibits representing a client with respect to a matter if "[t]he lawyer's professional judgment on behalf of the client will be or reasonably may be adversely affected by the lawyer's responsibilities to or interests in a third party...."¹² Under this rule, Mr. Martin cannot effectively represent the United States in taking any investigative or prosecutorial steps against Mr. Padilla, including steps favorable to Mr. Padilla, in the same matter in which he defended and still represented Mr. Padilla. Doing so also violates Rule 3.8(a)'s prohibition on prosecutors in criminal cases

⁵ See Judy L. Thomas & Daniel Desrochers, *Olathe Proud Boy Who Carried Ax Handle into Capitol On Jan. 6 Pleads Guilty to Felonies*, THE KANSAS CITY STAR (Oct. 16, 2023), <https://www.kansascity.com/news/local/crime/article280480469.html>; Judy L. Thomas & Daniel Desrochers, *KS Proud Boy Who Stormed Capitol Released From Prison Early. He Got Thousands in Donations*, KANSAS CITY STAR (Oct. 16, 2024), <https://www.kansascity.com/news/local/article293958694.html>.

⁶ See Defense Counsel's Motion to Withdraw as Counsel, *United States v. Chrestman*, No. 1:21-cr-00160 (D.D.C. Feb. 5, 2025).

⁷ Ryan J. Reilly, *Trump's New D.C. Prosecutor Launches Review to Examine 'Great Failure' Of Key Charge Leveled Against Jan. 6 Defendants*, NBC NEWS (Jan. 27, 2025), <https://www.nbcnews.com/politics/justice-department/trump-dc-prosecutor-ed-martin-launches-review-jan-6-cases-rcna189503>.

⁸ Tim Hrenchir, *Judge dismisses Jan. 6 riot charges against Topekan Will Pope and His Brother*, TOPEKA CAPITAL-J. (Jan. 27, 2025), <https://www.cjonline.com/story/news/courts/2025/01/27/jan-6-riot-charges-dropped-against-topekan-will-pope-and-his-brother/77917282007/>.

⁹ See *United States v. William Alexander Pope*, Notice to the Court Regarding Order No. 239 and a New Motion to Produce Various Case Files, No. 1:21-cr-00128-RC (D.D.C. Jan. 28, 2025).

¹⁰ See *United States v. William Alexander Pope*, Reply to the Government's Opposition (No. 292) to My Notice on Order No. 239 and Motion for Case Files (No. 391), No. 1:21-cr-00128-RC (D.D.C. Feb. 19, 2025).

¹¹ Rules Governing the District of Columbia Bar, Rule XI, Section 2(b).

¹² D.C. Rules of Professional Conduct, Rule 1.7(b)(4).

“exercising discretion to...improperly favor...any person.”¹³ Mr. Martin’s misconduct also implicates Rule 8.4(d)’s prohibition of “conduct that seriously interferes with the administration of justice,” by creating an appearance of impropriety regarding the circumstances behind the dismissal of the charges against his client, Mr. Padilla. Mr. Martin’s representation of Mr. Padilla and Mr. Chrestman, both of whom were charged with obstruction of Congress, creates an appearance of impropriety in any review or prosecutorial steps relating to the U.S. Attorney’s Office for the District of Columbia’s handling of obstruction charges against other January 6 defendants. Further, Mr. Martin’s conduct as it relates to Mr. Pope’s ongoing matter may implicate Rule 3.7, which prohibits an attorney’s involvement where they are “likely to be a necessary witness.”¹⁴ Other Rules may be similarly implicated.

Since assuming the duties of Interim U.S. Attorney for the District of Columbia, Mr. Martin has also engaged in additional, repeated conduct that appears to violate Rule 8.4(d), as well as Rule 3.8’s special responsibilities for prosecutors. Specifically, Mr. Martin has made numerous extrajudicial statements that threaten prosecution with the apparent intent of intimidating government employees and chilling the speech of private citizens, including:

- A February 3 tweet and letter to Elon Musk threatening that “we will pursue any and all legal action against anyone who impedes your work or threatens your people.”¹⁵
- A February 7 tweet and letter to Elon Musk threatening that “if people are discovered to have broken the law or even acted simply unethically, we will investigate them and we will chase them to the end of the Earth to hold them accountable.”¹⁶
- A February 14 tweet threatening former Special Counsel Jack Smith and his legal representation to “[s]ave your receipts, Smith and Covington. We’ll be in touch soon.”¹⁷
- The February 19, 2025 announcement of “Operation Whirlwind,” a new initiative to investigate and prosecute alleged threats to government officials, which included sending letters of inquiry to two Democratic Members of Congress regarding statements criticizing Elon Musk and Supreme Court justices.¹⁸

Mr. Martin’s conduct not only speaks to his fitness as a lawyer; his activities are part of a broader course of conduct by President Trump and his allies to undermine the traditional

¹³ D.C. Rules of Professional Conduct, Rule 3.8(a). Although the dismissal of the charges against Mr. Padilla was prompted by President Trump’s pardon, Mr. Martin’s conduct here violates Rule 3.8(a) due to the fact that he did not recuse himself from this matter as required by his employer in the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. § 2635.502(e) due to his covered relationship with Mr. Padilla as defined in 5 C.F.R. § 2635.502(b)(1)(iv). There is no indication that Mr. Martin received the requisite authorization by an agency designee prior to submitting the motion to dismiss as provided for in 5 C.F.R. § 2635.502(d).

¹⁴ D.C. Rules of Professional Conduct, Rule 3.7.

¹⁵ @EagleEdMartin (Feb. 3, 2025, 11:46 AM), <https://x.com/EagleEdMartin/status/1886456136032817488>.

¹⁶ @EagleEdMartin (Feb. 7, 2025, 11:27 AM), <https://x.com/EagleEdMartin/status/1887901087983689761> (emphasis in original).

¹⁷ @USAEdMartin (Feb. 14, 2025, 8:19 PM), <https://x.com/USAEdMartin>.

¹⁸ Spencer S. Hsu, *D.C. U.S. Attorney Probing Democrats Over Alleged Threats, Documents Show*, WASH. POST (Feb. 20, 2025), <https://www.washingtonpost.com/dc-md-va/2025/02/19/trump-justice-operation-whirlwind-democrats>.

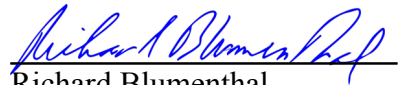
independence of Department of Justice investigations and prosecutions and the rule of law.¹⁹ When a government lawyer, particularly one entrusted with a leadership role in the nation’s foremost law enforcement agency, commits serious violations of professional conduct, it undermines the integrity of our justice system and erodes public confidence in it. Public confidence would be further eroded if such serious misconduct is met with no consequences. Therefore, we submit this letter of complaint to respectfully request that the Office of the Disciplinary Counsel initiate an investigation and take appropriate disciplinary proceedings pursuant to Rule XI of the Rules Governing the District of Columbia Bar.

We appreciate your prompt attention to this sensitive matter. The Committee is available for further consultation as needed.

Sincerely,



Richard J. Durbin
United States Senator



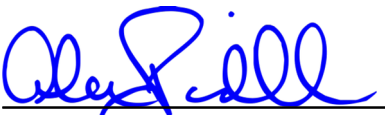
Richard Blumenthal
United States Senator



Mazie K. Hirono
United States Senator



Sheldon Whitehouse
United States Senator



Alex Padilla
United States Senator



Adam B. Schiff
United States Senator

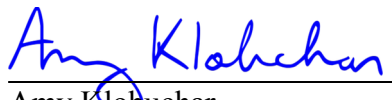


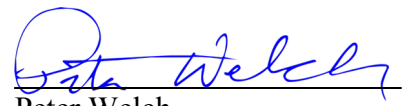
Christopher A. Coons
United States Senator



Cory A. Booker
United States Senator

¹⁹ See e.g., Mr. Martin has used the official Twitter account of the U.S. Attorney’s Office for the District of Columbia to describe himself and his colleagues as “President Trumps’ [sic] lawyers” who “fight to protect his leadership as our President...” @USAO_DC (Feb. 25, 2025, 3:18 PM), https://x.com/USAO_DC/status/1894119675786621225. He has also premised terminations of Assistant U.S. Attorneys on the fact that they were hired prior to President Trump’s second inauguration: “Based on your hiring as an Assistant United States Attorney in the District of Columbia in the weeks leading up to President Trump’s second inauguration, your hiring has hindered the ability of Acting U.S. Attorney Martin to staff his office in furtherance of his obligation to faithfully implement the agenda that the American people elected Trump to execute.” See Letter from Stephanie M. Hinds, Director, U.S. Dep’t of Justice, Exec. Off. for U.S. Attorneys, to Sean Brennan, Assistant U.S. Attorney (Jan. 31, 2025).


Amy Klobuchar
United States Senator


Peter Welch
United States Senator

cc: The Honorable Charles E. Grassley
Chairman, Committee on the Judiciary