

# U.S. Attorney Rebuffed by Justice Dept. in Push to Escalate Inquiry Into Schumer

Ed Martin, the acting U.S. attorney in Washington, has been blocked so far in seeking a grand jury investigation into remarks made by Senator Chuck Schumer about Supreme Court justices.



**By Glenn Thrush**

Reporting from Washington

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Ed Martin, the interim U.S. attorney for the District of Columbia, has been quietly pushing to present evidence against Senator Charles Schumer of New York, the Democratic leader, to a federal grand jury over comments he made about Supreme Court justices in 2020, according to people with knowledge of the situation.

Justice Department officials have thus far rebuffed the unusual request by Mr. Martin, a partisan ally of President Trump with no previous prosecutorial experience, one of those people said.

Mr. Martin has made clear his hopes of investigating whether the remarks made five years ago by Mr. Schumer amounted to threats against Justice Brett Kavanaugh and Justice Neil M. Gorsuch. Bringing such a case is highly unusual and winning a conviction would be difficult, according to current and former prosecutors.

Last month, Mr. Martin signaled his intention to take an aggressive approach, writing Mr. Schumer a letter demanding “information and clarification” of remarks he made at a rally on March 4, 2020.

“You have released the whirlwind and you will pay the price!” Mr. Schumer said at the rally, addressing his remarks to Justices Kavanaugh and Gorsuch. Mr. Schumer’s staff retracted his statement and the senator apologized a day later,

taking to the floor of the Senate to say, “I should not have used the words I used.”

Mr. Schumer added that he had been referring to “political consequences” rather than violent retribution, chalking up his phrasing to his upbringing in Brooklyn.

Presenting evidence to a grand jury investigating Mr. Schumer would be a substantial escalation of Mr. Martin’s efforts. It would allow prosecutors to subpoena records and witnesses, giving them a broad mandate to dig up derogatory information — even if Mr. Schumer is never indicted on charges that he incited violence against a public official.

The five-year time limit for prosecuting Mr. Schumer under the most likely charges that might stem from any inquiry expires on Tuesday.

Representatives for Mr. Martin, Mr. Schumer and the Justice Department did not immediately respond to requests for comment.

Mr. Trump has nominated Mr. Martin, who promoted Mr. Trump’s false claims that the 2020 election was stolen, to be the permanent U.S. attorney in Washington. But his hyperpartisan presence on social media and his targeting of opponents, while in sync with Mr. Trump’s demands for retribution against perceived enemies, might complicate his chances of confirmation.

Senator Thom Tillis of North Carolina — a Republican who serves on the Senate Judiciary Committee and provided a critical boost for Kash Patel’s nomination to be the director of the F.B.I. — recently said Mr. Martin’s confirmation would be “a real challenge.”

The security of Supreme Court justices has become an increasingly worrisome issue as the court’s rulings have inflamed partisan and ideological tensions. In 2022, two years after Mr. Schumer’s remarks about the role of the justices in rolling back abortion rights, a man was arrested while wielding a knife and gun near Mr. Kavanaugh’s house in the Washington suburbs. He told the police that he intended to kill the justice.

Some Republicans accused Mr. Schumer of inciting the foiled attack even though the man told the police he had been motivated by the leaked opinion of the court's ruling overturning abortion rights.

Mr. Martin, seeking to turn the tables on Democrats who have accused Mr. Trump and his supporters of ushering in an era of political violence, has chosen not to accept Mr. Schumer's benign explanation of his comments.

A spokesman for Mr. Schumer previously said his office had received a letter from Mr. Martin last month asking about the remarks. Within days, Mr. Schumer's chief of staff responded with his own letter, writing that the senator's comments were "not a threat to physically harm any person."

In an email to his staff last month, Mr. Martin announced the creation of "Operation Whirlwind" to investigate threats made against public officials, which included investigations of statements made by Mr. Schumer and Representative Robert Garcia, Democrat of California.

Mr. Martin, who supported the clemency granted by Mr. Trump to rioters convicted of attacking the Capitol on Jan. 6, 2021, sent Mr. Garcia a letter last month demanding to know why he had called for Democrats to "bring actual weapons to this bar fight" against Mr. Musk's effort to slash the federal work force. It is not clear whether he has opened any other inquiries.

Mr. Garcia, like Mr. Schumer, has said his remarks were metaphorical and not an invitation to violence.

In just over a month, Mr. Martin has upended one of the most important U.S. attorney offices in the country, responsible for investigating political violence and corruption, in addition to handling prosecutions of street crime in a city plagued by gun violence and carjackings in recent years.

Several top prosecutors in the office were demoted on Friday to low-level positions handling minor crimes, another step in a campaign of retribution against Justice Department officials perceived as enemies by the Trump administration.

Those demoted include one prosecutor who had overseen all cases arising from the events of Jan. 6 and at least two who had worked on the trials of members of the Proud Boys and Oath Keepers militia, according to people with knowledge of the moves, who spoke on the condition of anonymity because they were not authorized to speak publicly.

A week earlier, the highly regarded head of the office's criminal division, Denise Cheung, resigned after she declined a request from Mr. Martin and other Justice Department officials to freeze the assets of a government contractor, saying she had insufficient evidence to do so.

On Monday, Mr. Martin announced her replacement in an email to his staff, along with a memo outlining his intention to increase prosecution of gun crimes.

Alan Feuer and Adam Goldman contributed reporting.

**Glenn Thrush** covers the Department of Justice and has also written about gun violence, civil rights and conditions in the country's jails and prisons. [More about Glenn Thrush](#)