

*Thursday, May 1, 2025*

**The Honorable Chuck Grassley**

Chairman, Senate Judiciary Committee  
U.S. Senate, Washington, D.C. 20510

**The Honorable Dick Durbin**

Ranking Member, Senate Judiciary Committee  
U.S. Senate, Washington, D.C. 20510

Dear Chairman Grassley, Ranking Member Durbin, and Members of the Senate Judiciary Committee:

The Society for the Rule of Law Institute is a national organization dedicated to the defense of the rule of law, the Constitution, and American democracy from a traditionally conservative point of view. I write to express the Institute's strongest opposition to Mr. Edward R. Martin, Jr.'s confirmation as U.S. Attorney for the District of Columbia.

The Senate's confirmation process must ensure that any presidential nominee possesses the character and competence necessary to perform the duties of office to which he or she has been nominated. The Judiciary Committee has a particularly important role, as it considers nominees who apply the law as judges and prosecutors. Confirmation of individuals ill-suited for these roles would pose a dire threat to the Constitution, the rule of law, and the rights and liberties of all Americans.

In particular, the Committee must ensure that any Justice Department nominee would apply the government's vast prosecutorial powers not on behalf of the president, but Justice itself. The position of U.S. Attorney for the District of Columbia has special prominence for public safety in the nation's capital, national security, and litigation of national importance that arises within the District.

Mr. Martin has long demonstrated his fundamental unfitness for a role of this nature through a career of extreme, reckless rhetoric and ideological advocacy. That advocacy included a full embrace of baseless conspiracy theories regarding the 2020 election, participation in the protests at the Capitol preceding the riot on January 6, and later advocacy for participants in the violence that scarred our nation on that day.

If senators retained any hope that Mr. Martin could put aside his background upon assuming office, his mismanagement of the Office as U.S. Attorney on an acting basis amply demonstrates his egregious unfitness to continue in this role. Since taking on the powers of office, Mr. Martin has penalized prosecutors who investigated criminal acts designed to subvert the legitimate transfer of power, and

broadly threatened Democrats with investigations. These actions, coupled with the president's sweeping pardons of those who committed crimes on January 6, send a chilling message that this administration will tolerate crimes committed by its friends and prosecute politics performed by its critics.

Mr. Martin could not have more directly stated his fundamental misunderstanding of his role and that of the office which he leads than when he said, in a since-deleted tweet, "As President Trump's lawyers, we are proud to protect his leadership as our president and we are vigilant in standing against entities like [the Associated Press] that refuse to put America first."

Every day Mr. Martin remains in his current role is an affront to the professionals of the Justice Department and a danger to national security and public safety. His continuing leadership of the U.S. Attorney's Office for the District of Columbia also sends a message to the American people that they can no longer have faith that ours is a government under law, rather than one directed to punish the perceived enemies and reward the perceived friends of one man.

The Committee has an overwhelming basis on which to reject the nomination out of hand. Nonetheless, if it wishes to afford the president deference and give greater consideration to this nomination, it should conduct a thorough, public hearing.

As a former Chief Nominations Counsel for Senate Judiciary Republicans during the George W. Bush administration, I know very well that the Committee does not typically hold hearings on U.S. Attorney nominees. However, Mr. Martin is no typical nominee, as other conservatives have noted.<sup>1</sup> Confirmation hearings for U.S. Attorney nominees have little precedent because presidents of both parties have nominated men and women with the records and character necessary to faithfully discharge the immense powers of this office. On rare occasions when presidents misjudged a candidate, or details later emerged that demonstrated the unfitness of a nominee, Senate Republicans and Democrats have united, and these nominations have not advanced. The same result should occur here.

Mr. Martin is not simply a nominee; he is currently serving in the position to which he has been nominated. His short tenure has been marked by multiple controversies and raised significant professional responsibility concerns.<sup>2</sup> This nomination, therefore, implicates both Committee's advice and consent power as well as its ongoing Department of Justice oversight responsibilities.

Advancing this nomination would eviscerate long-standing norms about the non-political nature of federal law enforcement, abandon core Congressional responsibilities, and tip our country further away from the promise of our founding.

We urge you in the strongest terms to grapple with the grave implications of this nomination and, ultimately, reject it.

Sincerely,



**Gregg Nunziata**

Executive Director

Society for the Rule of Law Institute

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<sup>1</sup> See, e.g., “The Senate and the Edward Martin Nomination,” by Jack Goldsmith, available at <https://executivefunctions.substack.com/p/the-senate-and-the-edward-martin> (“I cannot think of any U.S. attorney nominee in my lifetime...who is more likely to abuse federal prosecutorial power, than Edward Martin. And this wolf comes as a wolf. Martin has wielded prosecutorial power recklessly and openly while serving in a temporary role, during his Senate audition period; his actions will surely grow much more menacing if he is confirmed.”)

<sup>2</sup> See, e.g., <https://societyfortheruleoflaw.org/ed-martin-complaint/>