

March 7, 2025

Edward Martin, Jr.  
Interim United States Attorney for the District of Columbia  
U.S. Department of Justice  
601 D St NW  
Washington, DC 20004

Dear Interim U.S. Attorney Martin:

On February 19, 2025, you reportedly announced a new initiative, “Operation Whirlwind,” to investigate and prosecute threats to government officials.<sup>1</sup> As part of that investigation, you sent letters of inquiry to two Democratic Members of Congress, Rep. Robert Garcia and Sen. Charles E. Schumer, asking them to clarify public statements they have made about other government officials, which you characterized as threatening.<sup>2</sup>

Recent reporting indicates that you pushed to present evidence against Sen. Schumer to a federal grand jury – despite the fact that Sen. Schumer’s comments are clearly protected under the First Amendment.<sup>3</sup> Additional reporting suggests that you dropped your legally baseless investigation into Sen. Schumer only after other legal authorities reminded you of basic First Amendment law and Justice Department officials refused to go along with your plans.<sup>4</sup> Your push to advance the investigation into Sen. Schumer causes significant concerns that you may continue your investigation of Rep. Garcia and may plan to pursue these types of cases in the future.

Any attempt to prosecute free expression or speech raises deeply troubling concerns—and seems blatantly improper as to Rep. Garcia and Sen. Schumer’s statements. But these questions as to its good faith are all the more serious because you have focused only on Democrats and ignored instances of comments made by Republican officials in recent years that actually implicitly or explicitly threaten violence against other public or private officials:

- In November 2021, Rep. Paul Gosar posted an altered anime video on his personal and government Twitter accounts which depicts him slitting Rep. Alexandria Ocasio-Cortez’s throat with a sword and swinging swords at President Biden.<sup>5</sup> The post was widely

---

<sup>1</sup> 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/>.

<sup>2</sup> *Id.*

<sup>3</sup> Glenn Thrush, *U.S. Attorney Rebuffed by Justice Dept. in Push to Escalate Inquiry into Schumer*, N.Y. TIMES (Mar. 3, 2025), <https://www.nytimes.com/2025/03/03/us/politics/us-attorney-justice-dept-schumer-inquiry.html>.

<sup>4</sup> Spencer S. Hsu, *D.C. Prosecutor Drops Bid to Investigate Schumer for Purported Threat*, WASH. POST (Mar. 4, 2025), <https://www.washingtonpost.com/dc-md-va/2025/03/04/martin-schumer-trump-investigate-democrats/>.

<sup>5</sup> Rachel Treisman, *Rep. Paul Gosar Shared an Anime Video of Himself Killing AOC. This Was Her Response.*, NPR (Nov. 9, 2021), <https://www.npr.org/2021/11/09/1053895408/paul-gosar-alexandria-ocasio-cortez-anime-twitter-video-backlash>.

perceived as threatening, and the House of Representatives censured Rep. Gosar the following week.<sup>6</sup>

- In September 2023, Rep. Paul Gosar wrote in his weekly email newsletter to constituents that former Chairman of the Joint Chiefs of Staff Mark Milley was a “homosexual-promoting-BLM-activist Chairman. . . . In a better society, quislings like the strange sodomy-promoting General Milley would be hung.”<sup>7</sup>
- In August 2022, Gov. Ron DeSantis said about Dr. Anthony Fauci: “Someone needs to grab that little elf and chuck him across the Potomac.”<sup>8</sup>
- In July 2022, now-FBI Director Kash Patel reposted a doctored video of him chain-sawing the heads of multiple government officials, including former President Joe Biden, former Secretary of State Hillary Clinton, Sen. Charles E. Schumer, Sen. Adam Schiff, Rep. Nancy Pelosi, Dr. Anthony Fauci, former Rep. Liz Cheney, former Rep. Adam Kinzinger, former Attorney General Merrick Garland, former Secretary of Transportation Pete Buttigieg, and former Assistant Secretary for Health Rachel Levine.<sup>9</sup>
- In January 2019, Rep. Marjorie Taylor Greene’s Facebook account liked a comment that stated “a bullet to the head would be quicker” to remove Rep. Nancy Pelosi.<sup>10</sup> As you are no doubt aware, threats to Rep. Pelosi actually did escalate into violence in 2022, when a man broke into her home with plans to tie her up, hold her hostage, and break her kneecaps. Only Paul Pelosi, Rep. Pelosi’s husband, was home at the time, and the man attacked Mr. Pelosi and fractured his skull.<sup>11</sup>

For years, Republicans decried the legitimate investigations and prosecutions of violence against law enforcement,<sup>12</sup> efforts to subvert the 2020 election results,<sup>13</sup> and the illegal retention of classified documents,<sup>14</sup> arguing falsely that these prosecutions constituted the “weaponization” of the Department of Justice for political purposes. Given these concerns, we expect that you understand that what appear to be one-sided investigations into high-ranking Democratic elected

<sup>6</sup> Deirdre Walsh, *Rep. Gosar Is Censured Over an Anime Video Depicting Him Killing AOC*, NPR (Nov. 17, 2021), <https://www.npr.org/2021/11/17/1056397130/rep-gosar-faces-censure-over-an-anime-video-of-himself-killing-aoc>.

<sup>7</sup> Steve Benen, *Gen. Milley Faces Radical Pushback from Trump, GOP’s Gosar*, MSNBC (Sept. 25, 2023), <https://www.msnbc.com/rachel-maddow-show/maddowblog/gen-milley-faces-radical-pushback-trump-gops-gosar-rcna117150>.

<sup>8</sup> The Recount (@therecount), X (Aug. 24, 2022, 3:47 PM), <https://x.com/therecount/status/1562527125915271168>.

<sup>9</sup> Senate Judiciary Democrats (@JudiciaryDems), X (Jan. 25, 2025, 1:35 PM), <https://x.com/JudiciaryDems/status/1883222155766436122>.

<sup>10</sup> *Id.*

<sup>11</sup> Rebecca Shabad, Ken Dilanian & Andrew Blankstein, *Suspect in Paul Pelosi Attack Planned to Break House Speaker’s Kneecaps, DOJ Says in Filing Charges*, NBC NEWS (Oct. 31, 2022), <https://www.nbcnews.com/politics/politics-news/doj-paul-pelosi-federal-charges-david-depape-rcna54802>.

<sup>12</sup> See, e.g., Alan Feuer, Adam Goldman & Glenn Thrush, *Justice Dept.’s Weaponization Group Underscores Trump’s Quest for Retribution*, N.Y. Times (Feb. 6, 2025), <http://nytimes.com/2025/02/06/us/politics/justice-department-weaponization-group.html>.

<sup>13</sup> *Id.*

<sup>14</sup> Alexandra Hutzler, *Republicans Repeat Trump’s Claim of DOJ ‘Weaponization’ After 2nd Indictment*, ABC NEWS (June 9, 2023), <https://abcnews.go.com/Politics/republicans-repeat-trumps-claim-doj-weaponization-after-2nd/story?id=99963397>.

officials, for speech clearly protected by the First Amendment, would constitute actual weaponization and politicization of your office.

Potential chilling of or even punishing First Amendment protected free expression are squarely implicated by Operation Whirlwind, even if done in a bipartisan way. The only justification for any such investigation must be a clear and imminent threat of violence that meets exacting First Amendment standards. Serious scrutiny and skepticism are warranted in assessing such investigations or prosecutions. Any action must look at *all* public officials, regardless of political party, with the same rigor and publicity. And, as you have based your inquiry on comments dating as far back as March 2020, even though such comments had already been publicly clarified, we fully expect that you have begun or will begin investigations into the more recent, unexplained comments we have raised in this letter as well. Accordingly, in furtherance of our oversight responsibilities as members of the Senate Judiciary Committee, we write to request a briefing on all of the investigations your office has undertaken or plans to undertake pursuant to Operation Whirlwind.

Alternatively, rather than wasting time on blatantly political and unconstitutional investigations like the ones discussed above, we suggest that you renounce your inquiries to Sen. Schumer and Rep. Garcia for the obvious political stunts that they were, and focus the time and resources of the United States Attorney's Office instead on addressing legitimate threats to public safety in Washington, D.C.

Sincerely,



Richard Blumenthal  
United States Senator



Mazie K. Hirono  
United States Senator



Sheldon Whitehouse  
United States Senator