

TWO MARYLAND MEN AND A MICHIGAN WOMAN: A TOPOLOGY TRUMP'S WITCH HUNTS

Back on Friday, before Women's World Cup Rugby distracted me for a long weekend, I started this post with the claim, "As of this moment, both Kilmar Abrego and John Bolton are free men."

That claim, of course, has been overtaken by events.

Friday started with a search of Bolton's Maryland home, reportedly in a renewed investigation into the mishandling of classified information that went into his book (see Ben Wittes' first hand account [here](#)). In an interview taped (and partially released that day), JD Vance revealed not only that he was part of the investigative decisions targeting Bolton, but effectively admitted this was a fishing expedition, basically a search of the Trump critic's home to find out if they could target him with a crime.

VICE PRES. JD VANCE:

We're in the very early stages of an ongoing investigation into John Bolton. I will say we're going to let that investigation proceed. What I can tell you is that, unlike the Biden DOJ and the Biden FBI, our law enforcement agencies are going to be driven by law and not by politics. And so if we think that Ambassador Bolton has committed a crime, of course, eventually prosecutions will come. But as you know, Kristen, this is all part of gathering evidence, trying to understand something that we're worried about. And, of course, I'll let the FBI comment on the next stage of the investigation.

KRISTEN WELKER:

What's at the root of this? Is this about classified documents?

VICE PRES. JD VANCE:

Well, again, I'll let the FBI speak to that. Classified documents are certainly part of it. But I think that there's a broad concern about, about Ambassador Bolton. They're going to look into it. And like I said, if there's no crime here, we're not going to prosecute it. If there is a crime here, of course, Ambassador Bolton will get his day in court. That's how it should be. But again, our focus here is on did he break the law? Did he commit crimes against the American people? If so, then he deserves to be prosecuted.

This was heavy handed dick-wagging, the White House making it clear they were personally directing searches of Trump's defectors.

Meanwhile, Abrego *was* free on Friday when I started this post. He was released from pre-trial detention in Tennessee, only to be detained at an ICE check-in on Monday. Judge Paula Xinis has ordered the government not to deport him – to Uganda – until she can review the evidence of retaliation for his decision to contest first his illegal deportation and then the Tennessee charges against him. He has formally requested to be deported to Costa Rica.

Abrego's very good attorney, Sean Hecker, described how much courage it took Abrego to fight this fight:

One of Mr. Abrego Garcia's lawyers, Sean Hecker, said after the detention that the threat of deportation came even as Costa Rica was willing to take him in as a refugee. "The government's campaign of retribution continues because Mr. Abrego refuses to be coerced into pleading

guilty to a case that should never have been brought,” he said.

After the Bolton search, a number of people claimed it represented some new low in Trump’s efforts to demonize his opposition. Such claims always depended on misrepresenting the Durham investigation and ignoring the way Bill Barr’s DOJ framed Joe Biden. But after the confirmation that Durham chased Russian disinformation for two more years *after* concluding the underlying pretext for his investigation was fabricated, such assertions border on pathology.

That said, the Kilmar Abrego treatment is new; in the first Trump term, after all, DOJ would simply reverse wrongful deportations. So, too, is Trump’s claimed firing of Fed Governor Lisa Cook after Bill Pulte snooped in her mortgage records and conjured up a mortgage fraud referral. This is an Administration pushing the means by which it attempts to criminalize its opponents – but that overreach may (and in Abrego’s case, arguably already has) backfire.

I want to write a series of posts on how and what he is doing.

In this post, I will lay out a kind of topology of what he is doing – and how various executive authorities overlap in them. These attempts are efforts to push the bounds of criminal prosecution, sometimes by forgoing the actual prosecution, sometimes by fabricating evidence.

In a second post, I will discuss the players. It matters that Todd Blanche has been named in two separate vindictive prosecution filings, particularly given the ruling that Alina Habba was not properly acting as US Attorney during the period when DOJ claimed not to have body cameras for two of the key witnesses in the LaMonica McIver prosecution. It matters that Kash Patel, who harbored a grudge against Bolton going back years and included him in his enemies list, gleefully tweeted as the search of Bolton’s home began. It even matters that Pulte

appears to be trawling the financial records of Trump's enemies, even while Trump's other policies harm the housing industry.

In a third post, I'll consider outcomes. Trump is doing this for more than just his desire to attack his enemies. But it's not clear whether, particularly after purging the Department of Justice of competent prosecutors, he can achieve his objectives. As I've noted in the past, Trump is trying to satisfy a mob of rabid conspiracy theorists. While I believe the Hunter Biden prosecution raised real concerns, *in general*, the criminal justice system still adheres to basic laws of gravity. And those rules may thwart Trump's effort to redefine "justice."

In a fourth post, I'll review John Roberts' opinion in *Trump v. US*. The opinion did more than immunize Trump's own crimes; it created conflicts that will soon land before SCOTUS.

Immigration

It is my belief that, on top of being a raging white nationalist, Stephen Miller identified immigration law as an area where the expansiveness of Presidential authority provides ready tools for fascism. After all, Miller plotted for years to use the Alien Enemies Act as a way to send hundreds of men to a concentration camp with no due process, an effort that was thwarted (for now, at least) by the Continuing Resolution that kept government open over the weekend of March 14, Chief Judge James Boasberg's willingness to work while on vacation, and key disclosures about the lies on which the effort was based.

From that expansive authority, DOJ has explicitly tried to criminalize support for migrants. Last week, for example, Acting Los Angeles US Attorney Bill Essayli crowed that he convinced a grand jury to indict Adrian Andrew Martinez, the kid whom CBP assaulted after he called out their detention of an old guy in his Walmart parking lot. While his indictment (from

nearly a week ago) is not yet docketed, the complaint against him claims Martinez was blocking the CBP vehicles. Before charging Martinez, DOJ attempted to subpoena his contacts with media, as if the media will be implicated in this conspiracy.

The charge against Martinez – conspiracy to impede a federal officer – is the same DOJ has used against David Huerta, the President of CA's SEIU, who *also* was assaulted at a protest. That case keeps getting continued, which could reflect that it is one of the cases that prosecutors are having a hard time getting a grand jury to indict, or could indicate that politicized prosecutors are using the initial charge to rifle through SEIU coffers to try to substantiate something larger.

There are four other cases where Trump's DOJ has attempted to criminalize Democrats with a crime for countering DHS's dragnet.

I suspect that Brad Lander, who was violently detained days before the NYC Mayoral Primary, would have been charged if not for Emil Bove's prior statements about how even prosecuting Eric Adams was election interference.

Trump's other key targets – Milwaukee Judge Hannah Dugan, Newark Mayor Ras Baraka, and Newark Congresswoman LaMonica McIver – all did have official purpose to do what Trump is trying to criminalize. But on top of that official purpose, as all three cases moved to discovery, the accused caught the government in apparent false claims. Dugan, for example, claims that DOJ falsely accused her of sending the undocumented man before her down a stairwell (the more damning alleged facts in the case against Judge Shelly Joseph, whom Trump charged in his first term).

2 On this small detail, Judge Dugan follows the government on one of its forays outside the scope of the indictment. It is undisputed—and indisputable, given the video

evidence—that E.F.R. entered the public hallway about 15 feet to the right of the usual courtroom door, where two agents watched him emerge. So Judge Dugan never “optimized” the man’s avoidance of federal agents. Contra Dkt. 46 at 28. On the government’s own witness statements, she certainly never directed E.F.R. “to access a stairwell.” Dkt. 46 at 21. To the contrary, she pointed him to the public hallway. None of this is dispositive now, one way or the other, especially because the magistrate judge found these acts part of a judge’s job, Dkt. 43 at 30, and the government does not dispute that finding. But it begs the question why the government overstates or misstates its evidence.

In the Baraka and McIver case, the sworn affidavit of Ricky Patel in the Baraka case does not match the alleged facts in the McIver indictment – and that’s before you get into the missing Body Cam footage in McIver’s case.

Which is to say that Trump’s DOJ is having to make shit up in their quest to criminalize oversight for immigration enforcement.

Revenge

The criminal case against Ksenia Petrova – the Harvard researcher first detained, then arrested, for bringing frog samples into the country – is unclear. Speedy Trial should have expired on that case.

With Abrego, of course, is it much more clear. Rather than move Abrego back to the US and initiate a deportation procedure to a third country, they instead immunized *and freed* people who’ve committed the crime they’re alleging against Abrego. Two judges reviewed the evidence and both found it so flimsy that it didn’t merit detention. Then, after he accused the government

of classic vindictive prosecution – the filing of charges because he availed himself of his rights under the Constitution, they tried to coerce him to plead guilty in order to win deportation to Costa Rica instead of Uganda.

That's why the stakes on Abrego's case are so high. He is challenging the government's bid to ratchet up legal jeopardy when anyone fights for their rights. While so many others lay low in hopes they'll avoid further targeting, Abrego – perhaps out of necessity – has pushed to vindicate rule of law.

Data dives

Meanwhile the head of Fannie and Freddie, Bill Pulte, appears to be trawling through mortgage records to find dodgy paperwork to refer to Trump's Director of Weaponization, Eagle Ed Martin. Thus far, Pulte has referred Tish James, Adam Schiff, Lisa Cook, and two more unnamed people.

As Abbe Lowell noted in a letter to Martin regarding his stalking of Attorney General James, somehow Pulte missed that Ken Paxton has one more "primary residence" than Pulte claims that his Dem targets do.

This conclusion is supported by your other appointed title, Special Attorney. While professing to be acting to address "mortgage fraud," Attorney General Bondi and you have stated that your targets are Ms. James (Democratic Attorney General of New York) and Adam Schiff (Democratic Senator of California). Notably, absent from your mandate is Kenneth Paxton (Republican Attorney General of Texas). Given that the same news reports raising questions about Ms. James and Mr. Schiff have reported that, somehow, Mr. Paxton has three different properties that he claims to be his "primary residence,"³ it seems to indicate your title ought really be, "Special Assistant

for Mortgage Fraud [Alleged Against Democrats Adverse to President Trump].”

3 Texas Attorney General Ken Paxton, a Senate hopeful, claimed 3 homes as his primary residence, Associated Press (July 24, 2025), <https://apnews.com/article/paxton-mortgage-trump-primary-residence-homestead-deduction-bd259b6bd122afcaf4f11eac5a3a152e>.

One thing that's missing from all of this, however, is that *Ed Martin* is the one receiving these referrals, not a competent prosecutor (note, too, that the metadata of an earlier letter Martin sent Lowell showed that Jared Wise, an FBI agent who incited January 6 rioters to kill cops, was the author of the letter).

These are men who stated their job was to name and shame, not prosecute.

Ed Martin described himself at a press conference as the “captain” of the group that is investigating prosecutors who launched past investigations into Trump and his allies.

“There are some really bad actors, some people that did some really bad things to the American people. And if they can be charged, we'll charge them. But if they can't be charged, we will name them,” Martin said. “And we will name them, and in a culture that respects shame, they should be people that are ashamed. And that's a fact. That's the way things work. And so that's, that's how I believe the job operates.”

[snip]

“I will say that the prosecutor's role, and at this moment in our history, is to make clear what the truth is and to get that out,” Martin said. “It can't be that the system is stifling the truth

from coming out because of some procedure."

Martin said he would have a "more public-facing" role as director of the Weaponization Working Group.

"When I was asked to switch over here, I was told, you know, this job, you need to be out more and talk about what's going on. So I think we'll be a little bit more outward facing in terms of talking about what's happening," Martin said.

Trump has now claimed to have fired Cook – in spite of a recent Supreme Court ruling that explicitly said the President can only fire Governors for cause, even though Pulte chose to share the referral with someone who brags that he is not conducting himself according to DOJ guidelines.

The extralegal nature of this is of particular concern. In a matter of ten days, a partisan official offered up a Black woman to target, and Trump responded by firing her without the due process he was afforded.

And I expect that Pulte is just the tip of what will soon become an iceberg. Trump has done completely unprecedented consolidation of government-held data (indeed, there's a new allegation that DOGE is mishandling Social Security data). So we should expect more such attempts to criminalize Trump's adversaries as his minions data mine more data.

Counter-investigation

Meanwhile, Trump is trying to find a way to claim those who investigated him are themselves criminals.

To be sure, he has already gutted DOJ and FBI of experience by purging those who worked on Trump's cases (which by purging the really talented prosecutors, might make it harder to

succeed with other edge cases DOJ is pursuing).

But Eagle Ed Martin claims to be search for a way to prosecute Tish James. There are hints that DOJ is trying to pursue people like Liz Cheney.

And rather than concerning himself with Trump's coddling of Russia and China, Tom Cotton referred Jack Smith to Office of Special Counsel for investigation. According to a NYT report, OSC has not contacted Smith or his team at all (suggesting that under Trade Rep Jamieson Greer, the office is not working according to normal protocol). This may be just another attempt to document dive – beyond what Trump himself attempted – to try to invent conflicts where none exists.

Conspiracy theories

Then there's the at least third attempt to do what John Durham spent four years attempting to do, but failed – to find some way to claim that the counterintelligence and criminal investigation of Trump in 2016 was itself criminal.

The latest incarnation stems from Tulsi Gabbard's adoption of an obvious conspiracy theory, one based on provably false claims about the shift in the intelligence review in 2016, the content of the Intelligence Community Assessment, and John Clapper's view of the Steele dossier briefing to Trump.

Trump is attempting, with shoddier prosecutors, what Durham went to lengths he himself said were criminal himself.

Old news

And then finally there's the old news – the attempt to mine from prosecution declinations – of Jim Comey under Bill Barr in 2020 and of John Bolton under Merrick Garland sometime in the

last four years. Both these investigations attempt to criminalize the men for the same thing Trump was himself charged with: mishandling classified information. They aspire to do so with declination decisions from past prosecutors.

Security clearance

The second area in which Trump is exploiting expansive Executive authority is in security clearances. He started his term by stripping security clearance from any of the 51 spooks who truthfully said that the Hunter Biden hard drive packaged as a laptop had the hallmarks of a Russian influence operation. A move to strip the security clearance of anyone in the Big Law firms he targeted is the one aspect of those Executive Orders that might survive on appeal (Trump has appealed all those decisions, on delayed basis). There were select cases of targeting – perhaps most importantly, Mark Zaid, since Zaid is one of the defense attorneys with most experience adjudicating clearance issues. And then in recent weeks, Tulsi started stripping the clearance of top spies based on her conspiracy theories.

The expansiveness of Presidential power on this issue will matter in criminal cases insofar as it prevents someone like John Bolton from enjoining the witch hunt into him.

Previous posts

May 27: The Law, Conspiracism, and Gravity

June 12: Pam Bondi's Four Political Prosecutions

August 16: LaMonica McIver Prepares to Hoist Todd Blanche with His Own Petard

Dockets

Hannah Dugan docket

Ras Baraka criminal docket

Ras Baraka civil docket

LaMonica McIver docket

David Huerta docket

First Kilmar Abrego civil docket (MD)

Second Kilmar Abrego civil docket (MD)

Kilmar Abrego criminal docket (MDTN)

Ksenia Petrova criminal docket