

# MAINSTREAM PRESS CONFESSES THEY MISSED THE OTHER POLITICIZED PROSECUTIONS

In her reply memo arguing she is entitled to legislative immunity in conjunction with her oversight visit to Delaney Hall on May 9, which led to assault charges after ICE unlawfully arrested Ras Baraka, LaMonica McIver described the charges against her this way:

The indictment charges a sitting Member of Congress for conducting oversight of a controversial ICE facility and for continuing to undertake that oversight in the face of ICE obstruction that included deliberate delays, deception, an armed and masked response team of over a dozen agents, and the arrest of the Mayor of Newark in the middle of a crowd of civilians on a baseless trespassing charge.

This reply was, admittedly, submitted after the indictment of Jim Comey on Trump™ed up charges. Indeed, McIver even cited the Comey situation in her vindictive prosecution reply.

The government's efforts to explain statements of the President and Justice Department officials fare no better. The President's declaration that the "days of woke are over" in connection with this prosecution is evidence that the charges are based on party and ideology and are part of a broader partisan agenda of ending "wokeness." The statement is consistent with the President's actions just last weekend when—concerned that "delay" in

prosecuting specific political rivals is “killing our reputation and credibility”—he pushed out a “Woke RINO” U.S. Attorney who was inhibiting retributive prosecutions.<sup>6</sup> The President’s statements may be inconvenient for the prosecution, but they accurately reflect his intent that the Department of Justice implement his political will. And the officials at DOJ have heard that call.<sup>7</sup>

<sup>6</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Sept. 20, 2025, at 18:44 ET), <https://truthsocial.com/@realDonaldTrump/posts/115239044548033727>; see also Alan Fuer et al., Trump Demands That Bondi Move ‘Now’ to Prosecute Foes, N.Y. Times (Sept. 20, 2025), <https://www.nytimes.com/2025/09/20/us/politics/trump-justice-department-us-attorneys.html>. <sup>7</sup> Sadie Gurman & Lydia Wheeler, James Comey Indicted on False Statement Charges, Wall St. J. (Sept. 25, 2025), [https://www.wsj.com/us-news/law/james-comey-indicted-on-false-statementcharges-2c896df2?st=gX4Tob&reflink=desktopwebshare\\_permalink](https://www.wsj.com/us-news/law/james-comey-indicted-on-false-statementcharges-2c896df2?st=gX4Tob&reflink=desktopwebshare_permalink).

But here we are, four months after first Ras Baraka and then McIver were charged – and four years after Michael Sussmann was charged on a single false statement charge on the last day before the statute of limitations expired – and the mainstream press has only just now discovered that Donald Trump has weaponized DOJ against his adversaries.



Really?

I've already used past politicized investigations to describe where things are headed (note, too, the report that a flunky with a DWI conviction ordered six US Attorney offices to investigate the Open Society Fund).

But I want to point to something else from McIver's prosecution.

Four months after she was charged, DOJ still hasn't provided her basic discovery.

Over a month ago, DOJ agreed to give McIver video of the tour she took of Delaney Hall after the alleged assault. But it has instead stalled on *editing the video*.

First, the government asserts that some of the Congresswoman's requests are "moot because the Government has agreed to provide her with what she seeks." Opp. 69. In particular, the government has agreed to produce the video recordings from inside Delaney Hall that related to the Congresswoman's tour of that facility on May 9. ECF No. 19-15 (Cortes Decl. Ex. M). But it is now more than six weeks since the government made

that promise, and the defense has not received that material.

The government offers no real excuse: it merely claims that “ICE is currently reviewing the footage . . . to excise hours of video during the relevant timeframe which does not capture the Congressional tour.” Opp. 70. Yet the government provides no explanation why that process has taken so long. In fact, the Congresswoman and her colleagues were inside the facility from approximately 2:48 p.m., after Mayor Baraka was arrested, until 3:47 p.m., when the Members left Delaney Hall; surely agents are capable of reviewing those recordings from that one-hour timespan and sorting out the portions capturing the visit.

Nor does the government explain the necessity to “excise” scenes that do not relate to the Congresswoman’s tour. Certainly, the government identifies no privilege or security issue that would warrant or require such a process. Indeed, because the Congresswoman is a Member of the House of Representatives, as well as a member of that chamber’s Homeland Security Committee, there is no conceivable reason to keep her from seeing all of that footage.<sup>1</sup> The Court should order its production immediately.

The government agreed to name the ICE officers involved in the event, but it has not even submitted a protective order it demands before it’ll do so.

The government also promised in its August 11 letter to produce the identities and ranks of any officers and agents present “at the time of the arrest of Mayor Baraka,” as well as identify which of those individuals were equipped with a body worn camera

("BWC"). Cortes Decl. Ex. M. To be sure, the letter also conditioned the information's release on the parties' execution of a protective order. Six weeks later, however, there is still no draft. The government merely promises that "this should be accomplished by the end of September," with no explanation for the delay. Opp. 72.2 The Court should order the government to provide Congresswoman McIver with a proposed protective order immediately. And the Court should also order the government to prepare the production in the meantime.

DOJ claims it has turned over all the bodycam footage, but there's at least one guy from whom McIver got no footage (and possibly a second), nor a confession that he simply didn't turn the bodycam on.



McIver has requested the communications the

officers sent during and about the event. But thus far, it appears DOJ has not *collected* them to find out if there is anything exculpatory in them.

*First*, although the officers have been “directed” to preserve that material, it is unclear who actually gave that direction or how they communicated it. Nor is there any information about the scope of the preservation. For example, were the officers instructed to retain all of their communications, whether on personal or government-issued devices? Were they told that they had to preserve all transmissions on every medium and application, including those on which messages disappear such as Signal, Telegram, and WhatsApp? Were they informed that the scope was to include any electronic or written communications with anyone, regardless of the recipients’ or senders’ relationship to the government?

[snip]

*Finally*, and most concerning, it is quite clear from the government’s formulation that the government has not actually collected, much less reviewed, those communications themselves. Without having done so, the prosecution team has not fulfilled its Brady obligations and cannot credibly represent otherwise to the Court or defense. That is because they *do not know* what is contained in the communications.

As I’ve noted, Todd Blanche is personally implicated in the competing claims of assault here. He’s the one who ordered Ricky Patel to arrest Ras Baraka in the first place.

V-1 announced a decision to arrest Mayor Baraka: “I am arresting the mayor . . . even though he stepped out, I am going

to put him in cuffs . . . per the Deputy Attorney General of the United States.”

These are the kinds of allegations that right wingers claim, without merit, went on in the January 6 case: missing video, missing communications, and personal involvement of a political appointee. And the delay in production suggests there might be something bigger going on.

And yet you won't hear that from the vast majority of the mainstream press.