

EAGLE ED MARTIN AND GEORGE SANTOS JUST PROVED TISH JAMES' VINDICTIVE PROSECUTION CLAIM

Donald Trump's weaponization of government against his adversaries is a catastrophic assault on rule of law.

But in those efforts, he continues to do things that may backfire. I've noted repeatedly how poorly he chooses the political martyrs he creates. Just the other day, for example, Tish James got rock star treatment when she introduced and endorsed Zohran Mamdani.

In addition, Trump is conducting his vengeance tour in such a ham-handed fashion that that one after another after another after another after another prosecutor quit or resigned to much notice. Each will be available as witness to the politicization of DOJ.

Aside from LaMonica McIver (whose arrest the chattering class seem to have forgotten), Trump bolloxed the timing – the sequencing of his attacks – as well.

He indicted the well-lawyered Jim Comey, thus far the shoddiest case, first, and did so in EDVA's rocket docket. That means that those who follow will benefit from the work – and possibly even precedents – Comey obtains. By the time Attorney General James is arraigned on October 24, for example, both Comey's motion to disqualify Lindsey Halligan and his motion for selective and vindictive prosecution will be public.

And yesterday, with Trump's commutation of George Santos' prison sentence, he botched the timing again.

Trump's clemency has already featured in motions for selective and vindictive prosecution. Both McIver and Sean Dunn (the sandwich guy) have invoked the Jan6ers that Trump pardoned as people who viciously assaulted cops but were freed. But in McIver's case, as I laid out here, the government claimed – partly by placing an auto-pen in Trump's hand – that prosecutors who dismissed the pending cases were left with no discretion after Trump issued his order.

McIver's claim faces a threshold, insurmountable defect: the January 6 Defendants cannot be considered similarly situated because they all were pardoned. As a consequence, their ongoing prosecutions had to be dismissed without regard to the exercise of prosecutorial discretion, and they could not be prosecuted for January 6th related crimes thereafter. Because a similarly situated individual is someone that "could have been prosecuted for the offenses for which [the defendant was] charged, but were not prosecuted," and the January 6 Defendants on their face do not meet those basic criteria, McIver's motion must fail. See Hedaithy, 392 F.3d at 607 (quoting Armstrong, 517 U.S. at 470); see also Armstrong, 517 U.S. at 469.

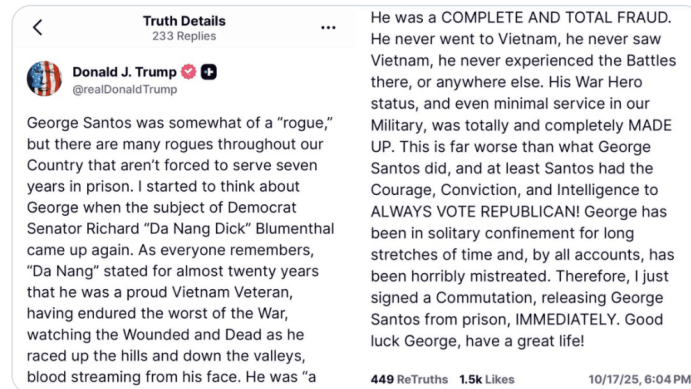
But in Tish James' case, the guy most responsible for her charges – the guy who has been literally stalking her in a dirty old man trench coat – also happens to be the guy who exercised discretion in the commutation of George Santos. Indeed, Eagle Ed Martin, who in addition to serving as Trump's weaponization czar, also serves as Pardon Attorney, boasted of his role in the commutation.



Ed Martin
@EdMartinDOJ



I was honored as U.S. Pardon Attorney to have played a small role in @POTUS granting @MrSantosNY clemency. Thank you, Mr. President for making clemency great again.



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To be sure, the kinds of fraud with which Eagle Ed charged Tish James are different than the kinds to which Santos pled guilty. Eagle Ed and Lindsey the Insurance Lawyer are effectively attempting to criminalize James' generosity, her provision of a \$137,000 home to her great niece. Even if she did what is alleged (and all the evidence suggests she did not), any benefit to James herself would be less than \$19,000.

Meanwhile, Santos defrauded identified victims – some of them vulnerable seniors – of almost \$375,000, along with \$200,000 in ill-gotten gains himself. The victims include:

- The Republican Party (which matched funds Santos hadn't earned)
- Donors whose credit cards he defrauded
- Redstone Strategies investors
- New York State's Unemployment Insurance
- Congress

Whereas Trump claims that the fraud for which James prosecuted him had no victims, because the banks ultimately got paid back (true of the

loans James obtained as well), Santos' crimes had a number of real victims, victims who have not yet been made whole.

And Donald Trump made no secret why he sprung Santos from prison: in crafting a false comparison with Richard Blumenthal, Trump declared that, "at least Santos had the Courage, Conviction, and Intelligence to ALWAYS VOTE REPUBLICAN!"

Alleged Democratic fraudsters get charges whereas far more dangerous Republican fraudsters win a Get Out of Jail Free card. It couldn't be more clear.

It's certainly possible that, if James used Santos as a comparator (along with other Republicans, like Ken Paxton, who haven't been charged), DOJ would claim Trump may not have known about the various kinds of financial fraud Santos engaged in.

But if he doesn't know that, it's the fault of the Pardon Attorney.

The guy in the dirty old man trench coat, who has been stalking New York's Attorney General all the while.

DOJ might claim that they can't share any details of Santos' commutation.

Too late!

In DOJ's response to McIver, they already exhibited a willingness to share details of the treatment of specific pardons.

10 On September 2, 2025, the undersigned Assistant U.S. Attorneys spoke with the Deputy Pardon Attorney from the Office of the Pardon Attorney who confirmed that: (i) the January 6 Defendants with then-pending cases received pardons under the Pardon and were eligible to receive certificates of pardon, and (ii) that any January 6 Defendant was still considered pardoned even if a certificate of pardon was not requested.

Additionally, the Deputy Pardon Attorney provided examples of certificates of pardon issued for January 6 Defendants with previously pending cases who requested a certificate.

I'm sure it seemed very clever, putting Eagle Ed in charge of both hunting Trump's enemies and freeing his friends. But in this particular case it might get tricky.

At the very same time Eagle Ed was stalking Tish James up and down the Eastern Seaboard, desperately trying to find some crime to charge her with, he was also busy finding a way to free a much bigger, confessed fraudster from prison.