



Lowell & Associates, PLLC
1250 H Street NW, Suite 250
Washington, DC 20005
Tel: (202) 964-6110
Fax: (202) 964-6116

Abbe David Lowell, Esq.
ALowellPublicOutreach@lowellandassociates.com

August 18, 2025

VIA E-MAIL

Mr. Edward R. Martin, Jr.
United States Pardon Attorney
Special Attorney for Mortgage Fraud
Associate Deputy Attorney General
Director of the Weaponization Working Group
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Martin:

As counsel to New York Attorney General Letitia James, I write this letter to address several issues: your August 8, 2025 appointment; your August 12, 2025 letter to me; your conduct on August 15, 2025 in Brooklyn; and your August 17, 2025 and other use of the media to disparage Ms. James. It is difficult to know where to begin.

Your August 12 letter lists you having four distinct roles—United States Pardon Attorney, Special Assistant for Mortgage Fraud, Associate Deputy Attorney General, and Director of something called “the Weaponization Working Group.” You stated that you were writing to me in your capacity as the second, but it seems it was also the last. Ever since President Trump, his businesses, and his family members involved in the business were investigated and then sued by the New York Office of the Attorney General (OAG), he has falsely alleged that Ms. James’ actions were political and unlawful. Every court that heard the charge (including one in Florida where he sought to enjoin the OAG) rejected his claims, finding there was a proper basis for the OAG to investigate and sue. Then, when President Trump litigated and lost, resulting in a finding of fraud and a half billion dollar judgment, he indicated that he would seek revenge against Ms. James.¹ Your boss, Attorney General Pam Bondi, also stated that Ms. James should be the target of revenge.² As you note, I wrote to Attorney General Bondi (not recently, as your letter misstates)

¹ President Trump stated Ms. James “belong[s] in jail for the abuse of power they are wielding against President Trump and his family” and she should “be arrested and punished accordingly.” (Donald Trump, Truth Social, Feb. 17, 2024; Jan. 6, 2024). President Trump also reposted a call for Ms. James to be “placed under citizen’s arrest” for “blatant election interference and harassment.” (Donald Trump, Truth Social, Nov. 14, 2023).

² Attorney General Bondi declared in 2020, “She can’t get away with this . . . I think she needs to be looked at,” (Florida Politics, Aug. 30, 2020), and tweeted, “What Letitia James did is abhorrent. . . . Instead of

four months ago raising the very concern of the Justice Department becoming a tool for this revenge. I received no response until I received the August 12, 2025 letter from you. It appears that the Working Group you now lead is aptly named as it is “weaponizing” DOJ to carry out the President’s and Attorney General’s threats.

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].”

Were there any doubts as to your political retributive mission, you erased them in your first statements about your appointment when you stated that your assignment is to “stick the landing.”⁴ A responsible and credible federal prosecutor is not a pommel horse gymnast.

With respect to your August 12 letter, because of its numerous mistakes and misstatements,⁵ at first, I was not sure it was actually from you.⁶ I recognize you were not a prosecutor before taking on the four roles indicated on your letterhead, but I know there must be others with whom you are working who have such experience and who are aware of the Justice Manual, the Principles of Federal Prosecution, and various codes of professional responsibility and ethics. “Special Attorneys,” like other DOJ attorneys, are supposed to be objective in seeking the facts and applying the correct law.⁷ Yet, your first communication to me has neither any

focusing on the people of NY who need help, she’s targeted Potus and his family on the 1st day of RNC.” (@PamBondi, X, Aug. 24, 2020).

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-mortgages-trump-primary-residence-homestead-deduction-bd259b6bd122afcaf4f11eac5a3a152e>.

⁴ Miranda Devine, *Grand Juries Weighing Criminal Charges For Tish James, Adam Schiff: Sources*, N.Y. Post (Aug. 8, 2025), <https://nypost.com/2025/08/08/us-news/grand-juries-weighing-criminal-charges-for-tish-james-adam-schiff-sources/>.

⁵ Among other mistakes (incorrect address; misspelling Ms. James’ name), you seem to believe my pointing to one mistakenly checked box on a form when there are many other documents filled out correctly is some type of “admission” to which you claim to be “stunned.” Besides cherry-picking one piece of information, you may be more stunned to learn that simple mistakes are not federal offenses when in any case you bring, the government must prove specific knowledge, intent and willfulness beyond a reasonable doubt.

⁶ Metadata in the letter states its “Author” to be Jared Wise, who appears to have found a home working with you despite urging January 6 rioters to “kill” Capitol police, and calling officers “Nazis” and “Gestapo.” Did you or he or someone else write the letter? Tom Dreisbach, *Video Shows Department Of Justice Official Urging Jan. 6 Rioters To ‘Kill’ Cops*, NPR (Aug. 7, 2025), available at NPR.org.

⁷ See, e.g., *Berger v. United States*, 295 U.S. 78, 88 (1935) (U.S. Attorneys’ “obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done But, while he may strike hard blows, he is not

pretense of objectivity nor real investigative goals. Just four days into your role, no search for facts or questions of law; instead, you twice called for Ms. James to resign. DOJ has firm policies against using investigations and against using prosecutorial power for achieving political ends.⁸ This is ever more the case when that demand is made to seek political revenge against a public official in the opposite party of the Administration. Let me be clear: that will not happen here.

In light of your targeting only Democratic officeholders and now seeking to use DOJ as a tool to have such officials resign, I urge you to review *Yick Wo v. Hopkins*, 118 U.S. 356, 373–74 (1886) (“For almost one hundred years, the federal courts have recognized that it is unconstitutional to administer the law ‘with an evil eye and an unequal hand so as practically to make unjust and illegal discrimination between persons in similar circumstances.’”) (internal citation omitted); *United States v. Judd*, 579 F. Supp. 3d 1, 4 (D.D.C. 2021) (“[T]he Government cannot base its decision to prosecute on. . . a defendant’s political beliefs.”); *People v. Smith*, 203 Cal. Rptr. 196, 213 (Cal. Ct. App. 1984) (“A criminal prosecution should not, of course, be initiated because the defendant belongs to a particular political party.”); see also *Wayte v. United States*, 470 U.S. 598, 608 (1985) (prosecutorial discretion “is not unfettered. . . . [T]he decision to prosecute may not be deliberately based upon an unjustifiable standard such as race, religion, or other arbitrary classification.”); *Oyler v. Boles*, 368 U.S. 448, 456 (1962) (prosecutors may not bring charges to target “specific persons”); *United States v. Monsoor*, 77 F.3d 1031, 1034 (7th Cir. 1996) (when the prosecution “ups the ante” by bringing more severe charges in response to “animus,” the prosecution is “vindictive.”); *Collins v. Jones*, 2015 WL 790055, at *11 (E.D. Pa. Feb. 24, 2015) (vindictive prosecution includes charges “motivated by the prosecutor’s personal stake in the outcome of a case”). You should also take care to review the ABA’s Model Rules of Professional Conduct, including Rule 3.8: Special Responsibilities of a Prosecutor (“refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause”; “refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused”).

Your letter also chastises me for “using the media to argue [my] points.” That is a strange comment coming from you. Did you not discuss your appointment in this matter on *Fox News* and announce your goal to “stick the landing” in the *New York Post*? Did you not just yesterday again appear on *Fox News* to discuss your investigation of Ms. James, criticizing her for the way she has conducted her job?⁹ You even went so far as to state that a criminal referral gives DOJ carte blanche to “look at everything else” Ms. James has been doing (it does not), and when asked about grand jury activity in Ms. James’ case, you stated one could “infer” what you meant and the referral “warrant[s] using all the tools . . . includ[ing] subpoenas and witnesses.”¹⁰ Federal Rule

at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.”).

⁸ See, e.g., Criminal Justice Standards for the Prosecution Function, Standard 3-1.6(a) (Am. Bar. Ass’n 2017) (“A prosecutor should not use other improper considerations, such as partisan or political or personal considerations, in exercising prosecutorial discretion.”).

⁹ *DOJ weaponization group outlines criminal referral targeting Letitia James, others*, Fox News (Aug. 17, 2025), <https://www.foxnews.com/video/6377014112112>.

¹⁰ *Id.*

of Criminal Procedure 6(e)(2)(B)(vi), addressing grand jury secrecy, was written to prevent these types of disclosures.

And speaking of misusing the press, in this letter, I must raise with you (as we may now with others) the truly bizarre, made-for-media stunt you orchestrated last Friday. You and your colleague, Neil McCabe, traveled to Brooklyn, New York to stage a photo opportunity in front of Ms. James' house.¹¹ The *New York Post*, with a photographer in tow, was there to capture the moment. That was no coincidence of course. Someone who knew you were staging this performance (you, or someone you work with or told) alerted the *Post* to be there for a "photo opportunity." As I said, the photojournalist was there waiting, but so were security cameras and neighbors, the former capturing your visit, and the latter witnessing what you were doing at your odd visit. In one still shot, Mr. McCabe is captured taking a photograph of you standing in your trench coat in front of Ms. James' house—as if this was a visit to a tourist attraction.



Additional evidence of your improper purpose and conduct can be seen in the entirety of the surveillance video which shows you actually engaging with the *Post* photographer, positioning yourself and Mr. McCabe for what you thought was an ideal shot. This orchestrated photo opportunity for your go-to media outlet, during an investigation, with the intent and/or result to prejudice Ms. James is outside the bounds of DOJ and ethics rules.

One has no conceivable idea of any proper or legitimate reason you went to Ms. James' house, what you were doing, and for what actual purpose. In fact, a neighbor asked you for your identity and reason for being there, and you refused to identify yourself and stated some excuse that you were "just happy to be on a block looking at houses . . . I'm just looking at houses,

¹¹ Miranda Devine, *DOJ Special Attorney Ed Martin Checks Out Tish James' 'Mortgage Fraud' Home After Being Tapped For Probes*, N.Y. Post (Aug. 15, 2025), <https://nypost.com/2025/08/15/us-news/special-attorney-ed-martin-checks-out-tish-james-mortgage-fraud-home/>.

interesting houses. It's an important house.”¹² Forty-eight hours later, you told a *Fox News* host just the opposite: “I’m a prosecutor . . . I wanted to lay eyes on it. . . . I wanted to see the property.” DOJ rules and policies, as well as rules of professional conduct, also squarely address prosecutors seeking to harass or even speak with a represented person such as Ms. James, or use media to announce investigations.¹³ Likewise, the D.C. Bar—of which you are a Member—has clear rules of professional conduct, including special responsibilities on a prosecutor (Rule 3.8), prohibiting the kinds of conduct in which you appear to have been engaged.¹⁴

Finally, your letter indicates that you “prefer not to have to move in court to stop [me] or [my] client from leaking.” Another strange comment. *You* discussed the investigation of Ms. James and others on *Fox News*; *you* told the *New York Post* your “job [is] to stick the landing”; *you* arranged to have a news outlet do a photo opportunity in front of Ms. James’ house; and *you* reappeared on *Fox News* on Sunday to continue your press strategy. You cannot unilaterally conduct a media campaign to prejudice and intimidate my client and expect there will be no similar public response. And, whenever you do bring your threatened action, please explain to the judges before whom you file all that you have been saying and doing.

All the above indicate to me that you are not conducting a serious investigation or review of “mortgage fraud,” and that, despite the lack of evidence or law, you will take whatever actions you have been directed to take to make good on President Trump’s and Attorney General Bondi’s calls for revenge for that reason alone. If there is even a small chance that I am wrong about that, we would engage in a serious exchange of the facts and the law.

Sincerely,

A handwritten signature in blue ink, appearing to read "Abbe David Lowell".

Abbe David Lowell
Counsel for Letitia James

¹² *Id.*

¹³ See DOJ Justice Manual (JM) 1-7.400 (prohibiting public disclosure of information concerning ongoing criminal investigations); JM 1-7.310 (requiring prosecutors to coordinate news media contacts with DOJ’s Office of Public Affairs); JM 9-13.200 (rule governing communications with represented persons); 28 U.S.C § 530B (Ethical Standards for Attorneys for the Government); ABA Model R. Prof’l Conduct 4.2 (Communication with Person Represented by Counsel).

¹⁴ D.C. Rules of Professional Conduct. See, e.g., Rule 8.4(c) (“Engag[ing] in conduct involving dishonesty, fraud, deceit, or misrepresentation”); Rule 8.4(d) (“Engag[ing] in conduct that seriously interferes with the administration of justice”); Rule 8.4(g) (“threaten[ing] to seek criminal charges or disciplinary charges solely to obtain an advantage in a civil matter”); Rule 3.8(a) (Special Responsibilities of a Prosecutor, prohibiting a prosecutor from improperly favoring or invidiously discriminating against a person).