Claim Brief in Support of Eligibility: The Broadview Six

The Anti-Weaponization Fund (Settlement Agreement in *President Donald J. Trump v. Internal Revenue Service*, S.D. Fla. No. 1:26-cv-20609, and the Attorney General's implementing order of May 19, 2026)

Advocacy and legal-research brief · Bad Faith Prosecution · wiki · By Danny Aguilar with Claude · Content draft 2026-05-28 · Reframed to the Fund's post-freeze status 2026-06-09

Preliminary note. This is an advocacy brief, prepared as a legal-research exercise in support of a potential claim to the Anti-Weaponization Fund. It is one-sided by design: it states the strongest good-faith case for eligibility, and a candid assessment of the obstacles appears in Part IX. It is **not legal advice, not a filed pleading, and not authorized by or attributed to** Ms. Abughazaleh, her co-defendants, their campaigns, or their counsel. Every factual assertion is drawn from public reporting and from the dismissal-hearing transcript; characterizations of the prosecution are attributed throughout to the findings of the United States District Court and the public statements of the United States Attorney's office. The brief does not assert misconduct in its own voice. The case-law citations were independently verified against the opinions before use; cases that did not survive verification, or that carry a material caveat, are flagged as such rather than overstated.

A note on what this brief does not claim. The brief does not contend that the Anti-Weaponization Fund is a legitimate or principled program, that *Keepseagle* is a sound precedent for it, or that the Fund will, should, or is likely to pay. The Fund was created by a private settlement, not by Congress, and no court has reviewed or approved it; the only judicial action on the Fund to date has been to bar it (see the status note below and Part X). The argument is narrower and harder to dodge: **by the Fund's own stated terms, and by the Department's own contemporaneous words, the Broadview Six are within the class the Fund describes.** The Fund need only apply the rule the Department announced.

Status note (June 2026): the Fund is not operating. On May 29, 2026, U.S. District Judge Leonie Brinkema (Eastern District of Virginia) temporarily barred the government from creating the Anti-Weaponization Fund or paying any claims, in a lawsuit brought by Democracy Forward. The Justice Department said on June 1 that it "disagrees strongly" but would comply. On June 2, Acting Attorney General Todd Blanche told the U.S. House Appropriations Committee, "We are not moving forward with the fund. Period." Asked whether that meant never, he answered "Correct." No five-member commission was ever seated, no claims were accepted, and no money was paid; a court hearing remains set for June 12, 2026. This brief's argument was always conditional — it asks whether, by the Fund's own stated rules, the Broadview Six qualify — and that question stands whether or not the Fund survives. But as a practical matter there is, today, no Fund to file with. The durable route to recovering the legal fees does not depend on this Fund at all: it is the Hyde Amendment, a standing federal statute, taken up in the companion Hyde brief and in Part IX below.

I. Summary of argument

The "Broadview Six" are six people indicted by the federal government over a September 26, 2025 protest outside an Immigration and Customs Enforcement facility in Broadview, Illinois, and prosecuted under the federal enforcement campaign reported as Operation Midway Blitz. The case of record is *United States v. Rabbitt, et al.*; Michael Rabbitt is the lead-named defendant. The six are Michael Rabbitt, Katherine "Kat" Abughazaleh, Andre Martin, Catherine Sharp, Brian Straw, and Joselyn Walsh. Kat Abughazaleh, a 2026 candidate for the United States House of Representatives in Illinois's Ninth District, is the most publicly documented of the six and serves as this brief's worked example; the analysis applies to each defendant.

On May 21, 2026, the United States District Court for the Northern District of Illinois ended the case by dismissal with prejudice. On the record, the presiding judge described grand-jury conduct she had never seen the equal of in a career of reviewing such transcripts, and the United States Attorney moved to dismiss every remaining charge with prejudice within a day of learning what the grand-jury transcripts contained. That record is what makes the eligibility case strong: a federal court's on-the-record findings of grand-jury misconduct, a United States Attorney's on-the-record statement that the conduct upset him and drove the dismissal, and a with-prejudice termination.

This brief argues four things:

1. **The bar is low, and it is met.** Section V.C of the settlement requires a claimant only to *assert* one legal claim of victimization by "Lawfare and/or Weaponization." Each of the Broadview Six can assert four independently sufficient claims (Part IV). 2. **The recital's reference to "Democrat" actors does not bar the claim.** The operative eligibility provision, § V.C, contains no party limiter; the recital, § II.C, does not contract it; the Department's own announcement disclaims any partisan requirement; and the partisan reading raises constitutional doubt the panel should avoid (Part III). 3. **Every element of the § II.C definition is met.** The element usually hardest for a claimant to carry, that the use of government power was "improper and unlawful," was supplied on the federal court's own record (Part V). 4. **The § V.D factors support substantial relief** (Part VI).

Part VII addresses the precedent the Department named for the Fund, *Keepseagle*, and shows that by *Keepseagle*'s own working principle the Broadview Six are claimants the rule covers, while marking honestly where the analogy and the Fund's authorization differ from *Keepseagle*'s. Part IX states the obstacles candidly. Part X is a standing caution about the Fund's own provenance.

II. Statement of facts

The facts below are drawn from public reporting and from the May 21, 2026 dismissal-hearing transcript. Where a characterization is contested or rests on press paraphrase rather than the record, the brief says so.

The protest and the indictment. On September 26, 2025, the defendants joined a protest outside the ICE facility in Broadview, Illinois. On October 29, 2025, a federal grand-jury indictment was unsealed charging six people. Per reporting, among the six were an Oak Park village trustee (Brian Straw, confirmed from his own legal-defense page), a Democratic ward committeeperson, a candidate for county office, and a member of Ms. Abughazaleh's campaign staff; the specific roles of co-defendants other than Mr. Straw are not yet confirmed by name against a primary source. The charges, confirmed from page 1 of the indictment (docket entry 1), were felony conspiracy to impede or injure a federal officer (18 U.S.C. § 372, carrying a six-year

statutory maximum), forcibly impeding a federal officer (18 U.S.C. § 111(a)(1), the misdemeanor form; § 111(b) was never charged), and aiding and abetting (18 U.S.C. § 2). The case number is 25 CR 693 (confirmed). The defendants pleaded not guilty. Ms. Abughazaleh publicly described the indictment as a political prosecution and an attempt to silence dissent.

The unraveling. Charges against two defendants were dropped in March 2026. On April 29, 2026, prosecutors abandoned the grand jury's felony conspiracy count and proceeded against the remaining defendants on a misdemeanor charging document that, as reported, did not offer specific allegations against the defendants. As trial approached, the defense sought the grand-jury transcripts; the transcripts produced to the court were heavily redacted.

The dismissal hearing, May 21, 2026. After a sealed review of the grand-jury transcripts, the United States Attorney's office moved to dismiss all remaining charges with prejudice. On the record, U.S. District Judge April Perry made findings about the grand-jury proceedings. Three are load-bearing here:

- Prosecutorial vouching, an Assistant U.S. Attorney placing her own credibility before the grand jurors in support of the charges. Asked about this on the record, AUSA Skiba conceded the conduct was "at a minimum, arguably misconduct." (Transcript p. 31, ll. 10–13.)
- The excusing or exclusion of grand jurors who disagreed with the government's case.
- Improper substantive ex parte communications with grand jurors outside the grand jury room.

The court also noted that an initial grand jury had declined to indict, a No True Bill, after which the matter was re-presented to a reconstituted panel before an indictment issued.

Judge Perry's findings, verbatim from the transcript:

> "I have never seen the types of prosecutorial behavior before a grand jury that I saw in those transcripts." (P. 22, ll. 16–18.)
>
> "I will say that I was incredibly shocked by the redactions that were made." (P. 22, ll. 11–13.)
>
> "That trust has been broken." (P. 23, l. 25.)
>
> "Mistakes happen. They happen to all of us. But as I tell my children, you own it. You admit to it. You apologize for it, and you move on. What you do not do is hide it." (P. 23, ll. 11–13.)

The United States Attorney, Andrew Boutros, stated on the record:

> "I too had not seen conduct like that like that, and it upset me, which is why we did dismiss that indictment." (P. 53, ll. 13–15.)
>
> **Two accuracy notes the brief honors.** First, the phrase "tainted by misconduct," widely attributed to the U.S. Attorney's office in CBS Chicago, NBC5, and Sun-Times reporting, is press shorthand. It does not appear verbatim in the transcript; the on-record language is quoted above. Where this brief uses "tainted by misconduct" it does so in an as-reported frame. Second, the misconduct *findings* are the court's; the U.S. Attorney's office did not concede deliberate misconduct, and Mr. Boutros's statement frames the dismissal as his response to conduct that "upset" him, not as an admission of intentional wrongdoing. The brief does not characterize the prosecutors' state of mind beyond what the record shows.

The trial scheduled for the following week (reported as May 26, 2026, and corroborated by the defendants' own legal-defense pages) did not occur. On the dismissal-day livestream (2026-05-23), defendant Brian Straw, an Oak Park village trustee and a licensed civil litigator, framed the eligibility question himself: that if anyone had been harmed by weaponization of the justice system, it would be the Broadview Six, and that few people would have standing to test the Fund other than those actually eligible for it.

III. Threshold: the § II.C reference to "Democrat" actors does not bar this claim

The natural first objection is that § II.C, the recital, defines "Lawfare" and "Weaponization" as the sustained use of government power by "Democrat elected officials, political and career federal employees, contractors, and agents," whereas this prosecution was conducted by the current administration's Department of Justice. Four reasons answer that objection. They are presented in order of strength, lettered in that order. **Answer A — the operative-text point — does the decisive work; Answer B (grammar) is offered as support and is openly rebuttable; Answers C and D are reinforcing and, in part, downstream tie-breakers.** (The site's Eligibility Explorer letters the same four answers differently — its "Answer B" is this brief's Answer A; the doctrine is identical.)

A. The operative eligibility provision contains no partisan limiter (the lead answer)

Section II.C is a recital, definitional context. The operative eligibility standard is § V.C: a claimant "must assert at least one legal claim stating that the claimant was a victim of Lawfare and/or Weaponization." Section V.C contains no reference to party. A recital may inform the construction of operative terms, but it does not contract operative text. Where § V.C speaks in unqualified terms, a recital's narrower framing does not import a limitation the operative provision omits. This is the answer the brief leads on, because it does not depend on which way a contested grammatical canon cuts.

B. Grammar, the rule of the last antecedent (offered as support, openly rebuttable)

Under the ordinary rule of the last antecedent, a limiting word "should ordinarily be read as modifying only the noun or phrase that it immediately follows." *Barnhart v. Thomas*, 540 U.S. 20, 26 (2003). On that reading, "Democrat" modifies only "elected officials" and does not reach the later, separately enumerated categories ("political and career federal employees, contractors, and agents") in which the Assistant U.S. Attorneys and federal agents who ran this case sit.

The brief states the weakness of this answer plainly. The last-antecedent rule "is not an absolute and can assuredly be overcome by other indicia of meaning." *Barnhart*, 540 U.S. at 26; accord *Lockhart v. United States*, 577 U.S. 347, 351 (2016). And the competing **series-qualifier canon** points the other way for a list shaped like this one. A unanimous Supreme Court has held that the last-antecedent rule "is context dependent" and has "declined to apply the rule where . . . the modifying clause appears after an integrated list," adding that "a qualifying phrase separated from antecedents by a comma is evidence that the qualifier is supposed to apply to all the antecedents." *Facebook, Inc. v. Duguid*, 592 U.S. 395, 402–03 (2021). Section II.C's list is comma-separated and parallel, the *Duguid* pattern, so a reader could plausibly say "Democrat" reaches the whole series.

Two points keep Answer B useful rather than self-defeating. First, *Duguid* expressly did not decide whether the series-qualifier canon applies to a modifier at the *beginning* of a series, which is § II.C's actual configuration ("Democrat" leads the list); that question is open. Second, even on the government's reading

the canon contest is, at best for the government, an ambiguity, which is exactly the predicate Answers C and D need. Answer B is therefore offered as a make-weight that establishes ambiguity, not as a stand-alone win. *Lockhart* also forecloses a shortcut the brief does not take: the mere "availability of multiple, divergent principles of statutory construction cannot automatically" resolve the question in the claimant's favor. *Lockhart*, 577 U.S. at 361. The work is done by the operative-text point (Answer A) plus the Department's own construction (Answer C).

C. The Department's own contemporaneous construction is non-partisan

The Department's official announcement of the Fund states, in terms, that "[t]here are no partisan requirements to file a claim." Officials described the Fund's purpose as redressing a use of government power that "should not be tolerated by any Administration" and as protecting "any American." DOJ Office of Public Affairs, Press Release 26-512 (May 18, 2026). The construction placed on the Fund by the very Department that created it, at the moment it created it, is the natural reading of its own terms, and it is non-partisan. The brief invokes this as the Department's own stated commitment, not as deference doctrine: the Department said there is no party test; the Broadview Six ask only that the Department be held to that.

D. Constitutional avoidance and the bar on absurd results (tie-breakers, not stand-alone wins)

If, after Answers A through C, the text remains susceptible of two readings, two canons break the tie toward the non-partisan reading.

Constitutional avoidance. "[W]here an otherwise acceptable construction of a statute would raise serious constitutional problems, the Court will construe the statute to avoid such problems unless such construction is plainly contrary to the intent" of the drafters. *Edward J. DeBartolo Corp. v. Fla. Gulf Coast Bldg. & Constr. Trades Council*, 485 U.S. 568, 575 (1988). And when one of two plausible constructions "would raise a multitude of constitutional problems, the other should prevail." *Clark v. Martinez*, 543 U.S. 371, 380–81 (2005). A program that compensated victims of government weaponization but excluded them based on the party of the administration that wronged them, or on the political identity of the victim, would itself be viewpoint discrimination, raising serious First Amendment and equal-protection problems. The reading that avoids that doubt is preferred.

Absurdity. Where a literal reading "would compel an odd result," the better reading is the one that does not. Cf. *Public Citizen v. U.S. Dep't of Justice*, 491 U.S. 440, 470–71 (1989). A fund created against the weaponization of government, read to tolerate weaponization so long as the favored party does it, sits at the edge of that principle.

The brief states the limits of Answer D honestly, because a panel will. Both canons engage **only after** ordinary interpretation leaves the text ambiguous, and avoidance yields if the partisan reading is "plainly" what the drafters intended. *Clark*, 543 U.S. at 381; *DeBartolo*, 485 U.S. at 575. The absurdity doctrine is narrow: it reaches only results that are "in a genuine sense, absurd," that it is "quite impossible" the drafters intended. *Public Citizen*, 491 U.S. at 470–71 (Kennedy, J., concurring in the judgment). A textualist panel can answer that a fund whose every illustrative example is a one-administration grievance is not "absurd" when read to cover that administration's opponents. That is why this brief presents Answer D as a tie-breaker that follows the ambiguity established by Answers A and B, not as a free-standing argument. The honest weight of the "absurd result" point is purposivist: it argues from the Department's stated universalist

purpose, dressed in the language of absurdity.

IV. The claim satisfies the § V.C eligibility standard

Section V.C requires only that a claimant "assert at least one legal claim" of victimization by Lawfare/Weaponization. The operative word is *assert*, not *prove*; the weight of a claim is taken up later under § V.D. Each of the Broadview Six can assert four claims, each independently sufficient, each available to every defendant.

(a) Malicious prosecution. The case terminated in the defendants' favor by dismissal with prejudice, the favorable-termination element the Supreme Court recognized in *Thompson v. Clark*, 596 U.S. 36 (2022). *Thompson* is a § 1983 case against state actors, so the bridge to a federal claim is the brief's argument, not *Thompson*'s holding: the federal-officer analog runs through the Federal Tort Claims Act's law-enforcement proviso, 28 U.S.C. § 2680(h), under which the FTCA borrows the analogous state tort — here Illinois malicious prosecution, via 28 U.S.C. §§ 1346(b), 2674 — and courts look to the same favorable-termination element. Because the claim is housed in the Fourth Amendment, the claimant must also show a seizure, *Manuel v. City of Joliet*, 580 U.S. 357 (2017); the arrests, booking, and arraignment satisfy that element. Federal prosecutors are absolutely immune for prosecutorial functions, *Imbler v. Pachtman*, 424 U.S. 409 (1976), so the claim runs against the federal investigative and law-enforcement *agents*, not the AUSAs.

(b) First Amendment retaliatory prosecution. The charges arose directly from the defendants' participation in a political protest, core protected expression, and, for several of them, from their prominence as officeholders, a congressional candidate, and outspoken critics of the deportation campaign. *Hartman v. Moore*, 547 U.S. 250 (2006), is controlling, and it sets a real hurdle: "want of probable cause must be alleged and proven" as an element of the plaintiff's case. *Id.* at 252. The first grand jury's No True Bill is the federal system's own term for no probable cause; the indictment that issued came from a re-presentation the District Court would later find compromised. That is the absence-of-probable-cause showing *Hartman* demands, against the presumption of regularity *Hartman* says courts "do not lightly discard." *Id.* at 263. Because the prosecutors are immune, the claim runs against the non-prosecuting officials who induced the prosecution: the federal agents and investigators. *Imbler*, 424 U.S. 409.

(c) Selective prosecution. The defendants were a set of identifiable public officials and candidates singled out of a far larger body of protesters, every one of whom was engaged in core First Amendment activity. The equal-protection doctrine reaches deliberate targeting based on "the exercise of protected statutory and constitutional rights," *Wayte v. United States*, 470 U.S. 598, 608 (1985), under the demanding proof standard of *United States v. Armstrong*, 517 U.S. 456, 465 (1996). Both require discriminatory effect and discriminatory purpose; both place the burden on the claimant; both protect ordinary prosecutorial discretion with a presumption of regularity that rebuts only on clear evidence. The discriminatory-effect threshold is met by the pattern reported (many protesters present, only public officials and candidates charged), and the presumption of regularity is met head-on by the court's misconduct findings and the first grand jury's No True Bill.

(d) Abuse of the grand jury and denial of due process. The conduct the District Court identified (vouching, the exclusion of dissenting grand jurors, improper ex parte communications, and re-presentation of a charge an initial grand jury had declined) implicates the Fifth Amendment's guarantee that a serious federal charge issue only from a fair and independent grand jury.

> **Caveat the brief confronts on Claim (d).** The leading authority cuts both ways. *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1988), holds as a general matter that "a district court may not dismiss an indictment for errors in grand jury proceedings unless such errors prejudiced the defendants." *Id.* at 254. It recognizes a narrow class in which prejudice is *presumed*, "where the structural protections of the grand jury have been so compromised as to render the proceedings fundamentally unfair," *id.* at 256–57, but its paradigm for that class is discriminatory *selection* of grand jurors, not prosecutorial vouching or redaction. The brief therefore relies on *Bank of Nova Scotia* with care: it cites the structural-compromise exception for the proposition that some grand-jury defects are so fundamental that prejudice need not be separately shown, while acknowledging that the case's default rule runs the other way and its ordinary remedies are discipline and reprimand rather than dismissal. Two features of this record blunt the caveat: the dismissal was *with prejudice on the government's own motion*, which sidesteps the prejudice-showing fight the case is about, and the record includes a No True Bill plus three independent grand-jury defects, not a single isolated error. This claim is the most rebuttable of the four, and the other three do not depend on it.

Section V.C asks only that such a claim be asserted. Each of the Broadview Six can assert all four.

V. The conduct is "Lawfare/Weaponization" under § II.C, element by element

Section II.C introduces "Lawfare and Weaponization" as labels for a sustained use of government power, by federal officials, employees, contractors, or agents, to target individuals or entities for improper and unlawful political, personal, or ideological reasons. Four elements. The prosecution of the Broadview Six meets all four.

1. Sustained use of government power. Not a fleeting act: a federal grand-jury indictment, a felony conspiracy charge exposing each defendant to a six-year statutory maximum, and a prosecution carried for about seven months, from the October 29, 2025 indictment through the May 21, 2026 dismissal. It was itself one strand of a named federal enforcement campaign, Operation Midway Blitz, that began with the September 26, 2025 protest (nearly eight months before dismissal).

2. A covered actor. As shown in Part III, the prosecutors and federal agents who ran this case are "political and career federal employees" and "agents" within § II.C. On the lead reading (Answer A in Part III, the operative-text point), and on Answer B's last-antecedent reading, the definition reaches them with no party attached.

3. Targeting for improper political or ideological reasons. Kat Abughazaleh was an active 2026 IL-09 congressional candidate; Brian Straw is an Oak Park village trustee; per reporting, others among the six were a Democratic ward committeeperson, a candidate for county office, and a member of Ms. Abughazaleh's campaign staff. The charges grew directly out of constitutionally protected protest against a government policy. Public officials across the political spectrum described the indictment as political targeting and an abuse of power. The government will answer that the charges followed conduct, not viewpoint; the record answers that reading: identifiable public officials and candidates singled out of a far larger body of protesters, the explicit enforcement-campaign branding, and the dismissal itself.

4. Improper and unlawful: the element usually hardest to prove, here supplied on the federal record. A claimant ordinarily must establish this from scratch. Here a federal court did the work. On the record, the District Court made findings of grand-jury misconduct (Part II), and the United States Attorney stated that

the conduct "upset" him and drove the with-prejudice dismissal. The brief states the limit of these findings, because a panel may read them narrowly: they concern grand-jury *process*, not whether any defendant committed the alleged conduct, and they are not a finding of deliberate prosecutorial bad faith. But the totality is the "improper and unlawful" use of government power that DOJ's own § II.C language describes: a No True Bill at the first session, an indictment obtained only after dissenting jurors were excused and through conduct an AUSA conceded was "at a minimum, arguably misconduct," and a with-prejudice dismissal the United States Attorney himself sought within a day of seeing the transcripts.

VI. The § V.D evaluation factors favor substantial relief

Past the eligibility door, § V.D's totality factors decide how strong a claim is. The settlement enumerates seven: (a) strength of the claim and supporting evidence; (b) the claimant's own actions; (c) actual damages; (d) reasonable attorneys' fees; (e) time in custody; (f) prior relief obtained; and (g) other factors the Fund deems just and appropriate. Five favor every defendant clearly; one is addressed candidly; the seventh is open-ended panel discretion, addressed openly.

(a) Strength of the claim and supporting evidence: exceptional. A federal court's misconduct findings, a United States Attorney's on-record statement, and a with-prejudice dismissal. Documentary, official, and on the federal record.

(b) The claimant's actions: addressed candidly. The defendants participated in the protest, and video reportedly showed protesters pushing against a vehicle. None of them was convicted of anything. The felony charge was abandoned by the government. The misdemeanor charging document, as reported, contained no specific allegations against the defendants. And the protest itself was constitutionally protected activity. This factor does not weigh against claimants whose only action was protected protest and against whom the government ultimately proved nothing.

(c) Actual damages: documentable and concrete. For every defendant: the burdens of federal indictment, processing, and arraignment; legal exposure; and reputational and emotional injury. *For Kat Abughazaleh specifically*, the indictment landed in the middle of her congressional campaign and inflicted concrete, dated harm to a candidacy she lost in the IL-09 Democratic primary on March 17, 2026, mid-prosecution. This is the one factor on which Kat-specific evidence materially exceeds the group's; no other defendant has a documented, dated electoral loss tied to the prosecution's timeline. Brian Straw's elected office and the other defendants' public roles carry their own documentable reputational exposure.

(d) Reasonable attorneys' fees: substantial. A federal felony defense carried over roughly seven months, substantial and documentable for each defendant. Three published legal-defense fundraisers (Kat and Andre; Rabbitt; Straw) put real numbers on the bills.

(e) Time in custody: minimal. No detention beyond booking and processing; the defendants negotiated self-surrender, were fingerprinted, and were released pending arraignment. The factor weighs light on its own; the procedural burden is captured under (c) and (d).

(f) Prior relief obtained: none. A dismissal yields no compensation. None has been obtained, which weighs *for* relief.

(g) Other factors the Fund deems just and appropriate: panel discretion. The open-ended seventh factor is where the panel may credit the on-record fact that the United States Attorney himself moved to dismiss within a day of seeing the grand-jury transcripts. It is also, candidly, where a hostile panel can shrink an otherwise strong showing. Per § VI.B the panel's determination is unreviewable; Part IX takes that up.

VII. The precedent the Department named, *Keepseagle*, covers these claimants on its own terms

In announcing the Fund, the Department named one case as its "legal precedent": *Keepseagle v. Vilsack*, the federal settlement that compensated Native American farmers and ranchers for USDA discrimination. The brief takes the Department at its choice of hill. *Keepseagle*'s working principle was: serve the real victims, by neutral criteria, paying actual claimants of the United States. Run that principle across the Broadview Six and they qualify.

- **Real claimants.** *Keepseagle* paid people who had filed actual complaints documenting harm by the government. *Keepseagle v. Vilsack*, 118 F. Supp. 3d 98 (D.D.C. 2015) (certified class: those who farmed January 1, 1981 to November 24, 1999, applied to the USDA, and filed a discrimination complaint). The Broadview Six are people the federal government indicted and then dismissed with prejudice on a record of grand-jury misconduct. Their claims (Part IV) run against the United States.
- **Neutral criteria.** *Keepseagle*'s class turned on three neutral elements; race entered only as the limitation imposed by the underlying discrimination, not as a political filter at payout. The Fund's operative test, § V.C, attaches no party label, and the Department's own announcement disclaimed any partisan requirement.
- **Pay claimants, not strangers.** The principle the Department's own chosen case rests on was stated most sharply in dissent: "the Judgment Fund Act and the settlements authority statute require the prompt payment of settled claims against the United States." *Keepseagle v. Perdue*, 856 F.3d 1039, 1054 (D.C. Cir. 2017) (Brown, J., dissenting) (citing 31 U.S.C. § 1304(a)). Inverted, Judge Brown's objection is this brief's affirmative point: her complaint lands when public money goes to strangers with no claim; it does not land when public money pays the people the government wronged. The Broadview Six are claimants, not strangers.

The brief states the limits of the analogy, because they are real. First, *Keepseagle*'s use is **analogy, not authority.** The two strongest federal-redress analogs each rested on an Act of Congress that the Anti-Weaponization Fund lacks: *Pigford*'s long lookback worked only because Congress tolled the limitations period, *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999) (citing Pub. L. No. 105-277 § 741), and *Cobell*'s $1.412 billion settlement was "authorized, ratified, and confirmed" by the Claims Resolution Act of 2010, *Cobell v. Jewell*, 802 F.3d 12 (D.C. Cir. 2015) (citing Pub. L. No. 111-291). The Fund is a settlement contract drawing on the Judgment Fund, with no enabling statute. On the "validly authorized" axis it is *weaker* than its analogs, not stronger. Second, the Brown quotation is a **dissent**, not a holding; the *Keepseagle* majority used the absurdity canon to *expand* a fund-for-others distribution and held that district courts have no free-ranging ancillary jurisdiction to redirect funds to claimants. *Keepseagle v. Perdue*, 856 F.3d at 1046–48. Third, "judicial oversight, start to finish" should not be overstated: *Keepseagle*'s individual claim determinations were themselves not reviewable by any court, *Labatte v. United States*, 899 F.3d 1373 (Fed. Cir. 2018), structurally closer to the Fund's § VI.B than a clean contrast would suggest. The honest contrast is that *Keepseagle*'s eligibility *rules*, settlement *amount*, and cy pres *modification* were court-approved; its case-by-case payouts were not. None of this changes the affirmative point. The Department named *Keepseagle*. By *Keepseagle*'s stated principle, the Broadview Six are who the rule covers.

VIII. Relief requested

A formal apology and monetary relief for legal-defense costs, reputational and professional harm (including, for Ms. Abughazaleh, the documented campaign harm under § V.D factor (c)), and personal injury inflicted by the prosecution. The brief notes that acceptance of Fund relief would require each claimant to forgo other relief, including judicial relief, under § V.B, a tradeoff weighed in Part IX.

IX. Candid assessment of obstacles and strategic considerations

A brief that omitted the difficulties would not be a sound one. Five should be weighed.

1. There is, today, no Fund to file with. As the status note records, a federal court barred the government from creating the Fund or paying claims on May 29, 2026, and the Acting Attorney General told Congress on June 2 that the administration is not moving forward with it. No commission was seated, no claim was ever accepted, and no money was paid. The brief reports that posture neutrally: the freeze does not answer the eligibility question this brief argues, and it does not erase the record the argument is built on. But it converts everything that follows from a filing decision into an argument in principle — about the rule the Department announced, and about who that rule covered on the day the Department announced it. If the Fund revives in any form, the analysis here applies to it; if it does not, the analysis stands as the receipt.

2. The partisan-definition counterargument is real, and it is the central legal vulnerability. The arguments in Part III are strong, but a reader inclined to a narrow reading will answer that § II.C's illustrative examples are all drawn from one administration and that the settlement's evident purpose was to redress weaponization by that administration. The series-qualifier canon (*Duguid*) gives that reader a respectable textual footing. This is the claim's central legal vulnerability and the brief does not soft-pedal it. The answer is not certainty; it is that the operative text (§ V.C) has no party limiter and the Department disclaimed one.

3. The decision-maker is structurally adverse, and its decision is unreviewable. The Fund's five members are appointed by the Attorney General; the Fund reports to the Attorney General; and § VI.B forecloses any appeal, arbitration, or judicial review. A claim arising from a prosecution brought by the administration whose Attorney General appoints the panel confronts a decision-maker with institutional incentives to deny it and no mechanism to correct a denial.

4. The § V.B election may make filing inadvisable, and it is the precise tradeoff against the alternative remedy. Section V.B requires a claimant who accepts Fund relief to forgo all other relief, including judicial relief. This is the "file *or* sue" tradeoff — accepting Fund money trades away the court routes; filing alone does not. The "sue" alternative is not hypothetical: the same misconduct record supports a Hyde Amendment fee claim (18 U.S.C. § 3006A statutory note), which defense counsel flagged on the record at the dismissal hearing ("There is a weaponization fund that I think we are now eligible for. . . . people need to see what this DOJ is doing." Transcript p. 40, ll. 15–17). The Hyde route is contested, twice over. Before its three prongs it has a threshold: the movant must be a "prevailing party," and *United States v. Chapman*, 524 F.3d 1073, 1089 (9th Cir. 2008), holds that a dismissal entered purely to sanction prosecutorial misconduct may not confer that status — the gate that defeats a fee claim before any prong is reached. The companion Hyde brief confronts *Chapman* directly: the first grand jury's no bill, the abandoned felony, and the with-prejudice dismissal on the government's own Rule 48(a) motion reach the provability of the case, not merely the prosecutor's conduct; and *Chapman* is Ninth Circuit authority, persuasive but not binding in the Seventh. Past the threshold, *United States v. Shaygan*, 676 F.3d 1237, 1239 (11th Cir. 2012) (Pryor, J., respecting denial of reh'g en banc), and *United States v. Reyes-Romero*, 959 F.3d 80 (3d Cir. 2020), both read the statute to reach wrongful *prosecutions*, not wrongs inside otherwise reasonable ones, and *United States v. Bunn*, 215 F.3d 430 (4th Cir. 2000), calls the standard "a daunting obstacle." It is also, on this record, arguable, because the misconduct here obtained the indictment rather than occurring inside an otherwise reasonable one. The point for § V.B is structural: accepting Fund relief waives the reviewable court route. For a claimant whose court claim is unusually strong, trading a reviewable claim before a neutral judge for a discretionary, unreviewable, structurally adverse Fund process may be a poor exchange — and with the Fund frozen and withdrawn, the Hyde fee motion the Broadview Six's counsel filed on June 2, 2026 (docket entry 201, with the court's response and reply briefing set for July 7 and July 21) is the route actually in motion. The sound course is to treat this brief as an analysis of eligibility in principle, which is genuine, and not as a recommendation to file before that tradeoff is evaluated with counsel.

5. A standing observation that cuts the other way. As defendant Brian Straw noted on the livestream, few people will have standing to test the Fund's administration other than those actually eligible and denied. A claim filed and denied creates a record that can be cited in litigation by others and in any later reform fight, value that does not exist for a claimant who never filed. This does not resolve the § V.B tradeoff, but it belongs in the calculus.

X. Standing caution: the Fund's own provenance

The brief makes no claim that any court has reviewed, approved, or blessed the Anti-Weaponization Fund or the settlement it rests on. The underlying case, *Trump v. Internal Revenue Service*, closed on a Rule 41(a)(1)(A)(i) voluntary dismissal with prejudice; the court found there was "no settlement of record" and an open question whether the parties were sufficiently adverse for an Article III case or controversy, a question the voluntary dismissal mooted. The Fund's existence and its $1.776 billion figure are sourced to the Department's press release, the Attorney General's order, and the separately held signed settlement, not to anything a court adjudicated. The only judicial action on the Fund to date runs the other way: the May 29, 2026 order temporarily barring the government from creating it or paying claims (see the status note). Any reading of this brief that implies judicial endorsement of the Fund would be unsupported. The argument here does not need one. It needs only the Fund's own stated terms and the Department's own words.

XI. Closing: apply the stated rule

The Department said the machinery of government should never be weaponized against any American, that such conduct should not be tolerated by any administration, and that there are no partisan requirements to file. The Broadview Six prosecution is that stated rule's test: a prosecution a federal court condemned on the record, that a United States Attorney moved to dismiss with prejudice within a day of seeing the grand-jury transcripts, and that ended with no conviction of anyone. By the Fund's own operative text, and by the Department's own contemporaneous construction, the Broadview Six are within the class the Fund describes. The Fund is frozen and the administration has walked away from it; that changes what can be filed, not what the rule covered. For as long as the Fund exists in any form, honoring what the Department said requires only that it apply its own rule.

Advocacy and legal-research brief. Not legal advice, not a filed pleading, not authorized by or attributed to Ms. Abughazaleh, her co-defendants, their campaigns, or their counsel. Facts drawn from public reporting and the May 21, 2026 dismissal-hearing transcript. The statutory charge citations (18 U.S.C. §§ 111(a)(1), 372, and 2) are confirmed against the indictment (docket entry 1). Case-law citations were independently verified against the opinions; see the Source Register below.

Appendix A. Source register (verified citations used in this brief)

All case-law below was verified against the opinions in the project's Midpage verification pass (`docs/factcheck/fund-brief-doctrine-midpage-2026-05-28.md` and `claim-brief-doctrine-midpage-2026-05-28.md`, with per-case transcripts in `docs/factcheck/midpage-raw/`). No case is cited here that is not in that archive. Treatment notes flag where a case carries a caveat material to how this brief uses it.

Authority	Used for	Note
Barnhart v. Thomas, 540 U.S. 20, 26 (2003)	Last-antecedent rule (Answer B)	Rule is "not an absolute"; used as support, not a hard rule.

Authority	Used for	Note
Lockhart v. United States, 577 U.S. 347, 351, 361 (2016)	Last-antecedent + anti-shortcut	Rule is contextual; mere availability of two canons does not resolve ambiguity.
Facebook, Inc. v. Duguid, 592 U.S. 395, 402–03 (2021)	Series-qualifier counter-canon (cited against Answer B, candidly)	Comma-separated integrated list reaches whole series; did not decide a leading modifier.
Clark v. Martinez, 543 U.S. 371, 380–81 (2005)	Constitutional avoidance (Answer D)	Engages only after genuine ambiguity; tie-breaker.
Edward J. DeBartolo Corp. v. Fla. Gulf Coast, 485 U.S. 568, 575 (1988)	Constitutional avoidance (Answer D)	Yields if partisan reading is "plainly" intended.
Public Citizen v. U.S. Dep't of Justice, 491 U.S. 440, 470–71 (1989)	Absurdity (Answer D)	Narrow; "quite impossible" standard (Kennedy, J.).
Thompson v. Clark, 596 U.S. 36 (2022)	Malicious prosecution, favorable termination (Claim (a))	§ 1983 case; element carried to FTCA proviso.
Manuel v. City of Joliet, 580 U.S. 357 (2017)	Fourth Amendment seizure element (Claim (a))	(no caveat)
Imbler v. Pachtman, 424 U.S. 409 (1976)	Prosecutorial immunity (Claims (a), (b))	Routes claims to agents, not AUSAs.
Hartman v. Moore, 547 U.S. 250, 252, 263 (2006)	Retaliatory prosecution, no-probable-cause element (Claim (b))	No True Bill supplies the showing; presumption of regularity is the obstacle.
Wayte v. United States, 470 U.S. 598, 608 (1985)	Selective prosecution, protected-rights targeting (Claim (c))	(no caveat)
United States v. Armstrong, 517 U.S. 456, 465 (1996)	Selective prosecution, proof standard (Claim (c))	Demanding; presumption of regularity.
Bank of Nova Scotia v. United States, 487 U.S. 250, 254, 256–57 (1988)	Grand-jury abuse / structural compromise (Claim (d))	Double-edged: default rule requires prejudice; structural-compromise exception is narrow and selection-focused. Used with the caveat stated in Part IV.
Keepseagle v. Vilsack, 118 F. Supp. 3d 98 (D.D.C. 2015)	Class definition / real-claimants principle (Part VII)	(no caveat)
Keepseagle v. Perdue, 856 F.3d 1039, 1046–48, 1054 (D.C. Cir. 2017)	Pay-claimants principle (Brown, J., dissenting) (Part VII)	Quote is a dissent; majority holding cuts the other way.
Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999)	Federal-redress analog (Part VII)	Rested on a statutory tolling carve-out the Fund lacks.
Cobell v. Jewell, 802 F.3d 12 (D.C. Cir. 2015)	Scale analog ($1.412B) (Part VII)	Ratified by the Claims Resolution Act of 2010; the Fund has no statute.
Labatte v. United States, 899 F.3d 1373 (Fed. Cir. 2018)	Limits the "judicial oversight" contrast (Part VII)	*Keepseagle*'s individual claim determinations were unreviewable.
Trump v. Internal Revenue Service, No. 1:26-cv-20609 (S.D. Fla. May 18, 2026)	The Fund's docket (Part X)	Closing order (Williams, J.); Rule 41 voluntary dismissal; "no settlement of record."

Authority	Used for	Note
United States v. Chapman, 524 F.3d 1073, 1089 (9th Cir. 2008)	Hyde-route prevailing-party threshold (Part IX)	Sanction-only dismissal may not confer prevailing-party status; 9th Cir., persuasive not binding in the 7th; confronted in the companion Hyde brief.
United States v. Shaygan, 676 F.3d 1237, 1239 (11th Cir. 2012) (en banc denial); 652 F.3d 1297 (2011) (panel)	Hyde Amendment obstacle (Part IX)	"Wrongful prosecutions, not wrongs . . . during . . . reasonable prosecutions."
United States v. Reyes-Romero, 959 F.3d 80 (3d Cir. 2020)	Hyde Amendment obstacle (Part IX)	"Position of the United States" = prosecutors; agent conduct counts only if leveraged.
United States v. Bunn, 215 F.3d 430, 436–37 (4th Cir. 2000)	Hyde Amendment obstacle (Part IX)	"Daunting obstacle"; negligence ≠ bad faith.

Primary documents referenced: Settlement Agreement, *Trump v. IRS*, §§ II.C, V.B, V.C, V.D, VI.B; DOJ Office of Public Affairs Press Release 26-512 (May 18, 2026); Attorney General's implementing order (May 19, 2026); dismissal-hearing transcript (May 21, 2026), with page:line cites at pp. 22, 23, 31, 40, 53. Statute citations: 28 U.S.C. § 2680(h); 31 U.S.C. § 1304(a); 18 U.S.C. § 3006A note (Hyde Amendment); charged counts 18 U.S.C. §§ 111(a)(1), 372, and 2 (confirmed against the indictment, docket entry 1).
