

# WILL TED CRUZ GO TO PRISON FOR THE LIES HE TOLD AS PART OF THE JIM COMEY INDICTMENT?

Let's talk about all the lies that someone at EDVA would have to wade through to actually convict Jim Comey.

## Lindsey Halligan's disclaimer of signing the Comey indictment

First, there's the weirdness with the indictment itself. As NBC and WaPo reported from the courtroom, Lindsey Halligan actually handed the magistrate judge, Lindsey Vaala, two charging documents. When Vaala asked what was going on, Halligan said she did not see the second one. Vaala noted that she had signed the document.

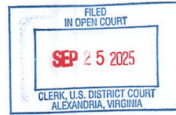
There was some confusion in the courtroom and from Judge Lindsey Vaala, who appeared puzzled by the multiple charging documents filed for one case. Vaala asked why there were two documents in the same case. Halligan told her, "I did not see," to which Vaala replied, "It has your signature on it."

Vaala then had Halligan make handwritten changes to one of the documents and said both documents would be uploaded to the docket for the record.

That may well lead to further scrutiny. One of the two charging documents is the indictment that includes the charge that grand jurors rejected.

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Virginia

United States of America )  
v. )  
*James B. Comey Jr.* )  
Defendant )

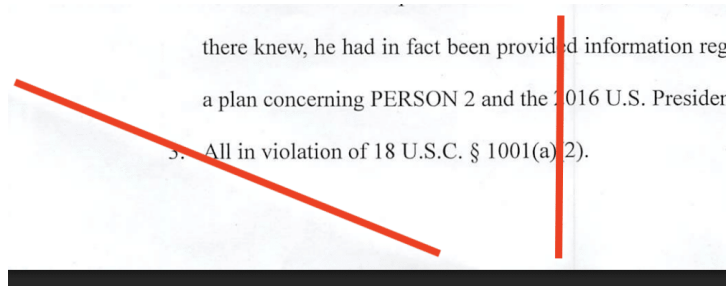


REPORT OF A GRAND JURY'S FAILURE TO CONCUR IN AN INDICTMENT

As the foreperson of the grand jury of this court at a session held at Alexandria, Virginia on Sept 25, 2025, I report that 12 or more grand jurors did not concur in finding an indictment in this case. Count 1 only.  
Under Fed. R. Crim. P. 6(c), this record is being filed with the court clerk and will not be made public unless the court orders otherwise.

But the only writing on either document that appears to have been added is where (marked with the red box) someone noted, "count 1 only" (which is, indeed, the charge that was dropped). But there's another irregularity with the document. The rest of it (and the indictment that was filed) looks like it was scanned – with a line down the center and a shadow, as I've marked in red.

But the second page lacks both of those things.



Case 1:25-cr-00272-MSN Document 3 Filed 09/25/2

And both the charge on page two and the one on page three are called, "COUNT TWO." Which may suggest someone just put the second page of the failed indictment in between the two pages of the one approved by the grand jury.

All that's enough that Comey might ask questions about the conduct of the grand jury – something he normally would not be able to do. Given Halligan's claim she never saw the indictment, it also might raise questions about whether Halligan signed the indictment before or after the grand jury approved it.

And then Halligan would have to explain why she

never saw the indictment that she herself signed. Because she's the only attorney on this filing, she would have to explain the irregularities herself.

That's not the only question Halligan will face.

It's not entirely clear under what legal authority she is play-acting as US Attorney. But when Alina Habba was challenged for play-acting as US Attorney after her temporary period expired in New Jersey, a judge ruled that the interim appointment is per position, not per person, meaning that Erik Siebert – the guy Trump fired on Friday – would already have used up the possibility of such an interim appointment in May.

In other words, Halligan may not be US Attorney at all, and unless she fixed that problem by Tuesday, the entire thing might just disappear.

In any case, while EDVA has a rocket docket (meaning this would otherwise go to trial quickly), Halligan's temporary status could become be a problem before this goes to trial if Comey mounts a vindictive prosecution challenge (LaMonica McIver's vindictive prosecution challenge is only now fully briefed, three months after her indictment). Then EDVA could be left with an indictment charging Jim Comey but no one willing to stand in a courtroom to prosecute it.

## **The vindictive prosecution challenge**

Even if Halligan survived that long, it is exceedingly likely that Comey would not just get to present a vindictive prosecution claim, which Trump has confessed to over and over, but also to ask for discovery on how that all came about. If granted, I'm sure he'd ask to:

- Depose Kash Patel, both about his children's book

naming Jim Comey a “government gangster” but also his conduct in this and related Comey investigations.

- Depose Siebert, who decided there wasn't even probable cause to charge this, much less the ability to prove it beyond a reasonable doubt.
- Depose Todd Blanche, who reportedly agreed with Siebert and advised Trump not to fire Siebert.
- Depose Pam Bondi because why the fuck not??
- Depose Halligan.

Just deposing Kash alone would be a huge problem, because he only got confirmed *by lying to the Senate* about prosecuting the people in his Government Gangster book.

This indictment proves Kash lied, not that Comey did.

It proves something else, too.

Halligan tried to charge Comey with two lies. I'll come back to the one that survived – basically, the indictment accuses Comey of lying in 2017 when he said he had never authorized anyone to leak information anonymously to the press.

**The Russian disinformation that Chuck Grassley falsely**

# claimed was a Clinton plan

The one the grand jury rejected charged Comey with lying when he said he didn't recall being told (which the indictment transcribes as "taught") this memo.

3. [REDACTED] Per FBI verbal request, CIA provides the below examples of information the CRCSFIRE HURRICANE fusion cell has gleaned to date [Source revealing information redacted]:

- a. [REDACTED] An exchange [REDACTED] discussing US presidential candidate Hillary Clinton's approval of a plan concerning US presidential candidate Donald Trump and Russian hackers hampering US elections as a means of distracting the public from her use of a private email server. [REDACTED] Guccifer [REDACTED] According to open sources, Guccifer 2.0 is an individual or group of hackers whom US officials believe is tied to Russian intelligence services. Also per open sources, Guccifer 2.0 claimed credit for hacking the Democratic National Committee (DNC) this year.

- b. [REDACTED]

There are multiple problems with the question – posed shortly after Kash Patel and John Ratcliffe released it in 2020.

First, we now know that the "plan" was in fact Russian disinformation sown by fabricating several emails. *Investigating based off this document commits precisely the crime that John Durham investigated for years: investigating someone based on something you know to be false.*

Worse still, according to every witness that Durham interviewed, no one remembered receiving this memo at all. It's possible Kash thinks he has found a copy (that seems to be part of what he's investigating in WDVA), but Durham never did.

Finally, and most insane of all, as I noted here, the redactions in this document and the representation Kash and Ratcliffe made about what it is appear to be badly misleading. That is, this referral appears to be a referral about the Russian plot targeting Hillary, not about

Hillary. It is only right wing fever dreams and deceitful redactions that made it into something else.

If Comey had seen this document, he would not remember it in the way that he was asked about it.

So not only is it ridiculous to charge someone for not remembering something that wasn't that big a deal, but it's crazier still to charge someone for not remembering a document that you've redacted in misleading fashion and then described as the opposite of what most people understood it to be.

All that wasn't charged, but nevertheless, according to John Durham's logic at least, Kash committed several crimes by investigating this at all.

## **Jim Comey will get to expose Ted Cruz as a liar, again**

Which finally brings us to what did get charged, part of the exchange above.

1. On or about September 30, 2020, in the Eastern District of Virginia, the defendant, JAMES B. COMEY JR., did willfully and knowingly make a materially false, Fictitious, and fraudulent statement in a matter within the jurisdiction of the legislative branch of the Government of the United States, by falsely stating to a U.S. Senator during a Senate Judiciary Committee hearing that he, JAMES B. COMEY JR., had not "authorized someone else at the FBI to be an anonymous source in news reports" regarding an FBI investigation concerning PERSON 1.

2. That statement was false, because, as JAMES B. COMEY JR. then and there knew,

he in fact had authorized PERSON 3 to serve as an anonymous source in news reports regarding an FBI investigation concerning PERSON 1.

Before Cruz asks the question that got charged, he asked one after another question based on false premises. Comey had to correct the following Cruz lies:

- The FBI did not surveil the Trump campaign
- The Carter Page IG Report did not show that FBI lied to the FISC 17 times
- Cruz misrepresented the email that Kevin Clinesmith altered (it was not used in any submission and Cruz misstated the import of the change)
- The FISC was alerted to the political source of the Steele dossier
- Cruz falsely claimed that Comey stated that the FISC was informed that the DNC paid for the dossier
- Cruz misstated what Comey said about his own knowledge about the funding

Cruz also misstated the facts about Igor Danchenko, but Comey didn't know enough to correct those.

The actual charged lie starts after 6:30 in the video. Cruz reads Comey's testimony from 2017, in which he responded to a question from Chuck Grassley whether he had "ever authorized someone else at the FBI to be an anonymous source in

news reports about the Trump investigation or the Clinton investigation?"

Cruz then made another misstatement – three actually, that Andrew McCabe, “has publicly and repeatedly stated that he leaked information to the Wall Street Journal and you were directly aware of it and that you directly authorized it.”

Comey did not correct Cruz this time, but he said he stood by the testimony he gave in 2017.

Already, what Lindsey the Insurance Lawyer said in the indictment is a stretch. Comey did not say the words quoted in the indictment. He said only he stood by his earlier testimony. (Effectively, this is an attempt to charge Comey for something he said 8 years ago.)

If she’s thinking this is about McCabe, it also builds on Ted Cruz’s lie. First of all, the IG Report on McCabe (and his public comments) was about the Clinton Foundation – not Clinton, but the Foundation, not Person-1 but the foundation ran by her spouse.

Second, it was not a leak, anymore than Kash Patel’s non-stop frequently inaccurate blabbing on Xitter amount to leaks. It was an authorized conversation with the press.

Third of all, the specific authorization in this case was from McCabe to Lisa Page to serve as a source; it didn’t involve Comey.

McCabe thereafter authorized Special Counsel and AD/OPA to talk to Barrett about this follow-up story.

Where McCabe’s testimony differs from Comey’s is about what McCabe said to Comey after the fact. McCabe said that he told Comey and Comey thought it was a good idea.

McCabe said that he told Comey that he had “authorized AD/OPA and Special Counsel to disclose the account of the August 12th call” and did not say



anything to suggest in any way that it was unauthorized. McCabe told us that Comey "did not react negatively, just kind of accepted it." McCabe also told us Comey thought it was a "good" idea that they presented this information to rebut the inaccurate and one-sided narrative that the FBI was not doing its job and was subject to DOJ political pressure, but the Department and PADAG were likely to be angry that "this information made its way into the paper." McCabe told us that he did not recall telling Comey prior to publication of the October 30 article that he intended to authorize or had authorized Special Counsel and AD/OPA to recount his August 12 call with PADAG to the WSJ, although he said it was possible he did.

Comey said when he spoke to McCabe about the story afterwards, McCabe denied knowing the source.

Comey told us that, prior to the article's publication, he did not have any discussions with McCabe regarding disclosure of the August 12 PADAG call. According to Comey, he discussed the issue with McCabe after the article was published, and at that time McCabe "definitely did not tell me that he authorized" the disclosure of the PADAG call. Comey said that McCabe gave him the exact opposite impression:

I don't remember exactly how, but I remember some form or fashion and it could have been like "can you believe this crap? How does this stuff get out" kind of thing? But I took from whatever communication we had that he wasn't involved in it. . . . I have a strong impression he conveyed to me "it wasn't me boss."

Importantly, Comey disavowed any conversation with McCabe about this particular story before the fact.

Comey told us that, prior to the article's publication, he did not have any discussions with McCabe regarding disclosure of the August 12 PADAG call.

That's consistent with what McCabe said.

that he did not recall discussing the disclosure with Comey in advance of authorizing it, although it was possible that he did;

What McCabe has said elsewhere is that Comey had generally permitted just the two of them to speak with the press. But that was not specific to this story at all.

In other words, Ted Cruz got it wrong. Comey's testimony to the Senate – which on follow-up was specifically about the WSJ story – was utterly consistent with McCabe's.

Cruz lied. Comey didn't.

Now it's possible that Lindsey the Insurance Lawyer is attempting a gimmick, by claiming that Comey authorized Dan Richman to share information about the Hillary investigation (we know this is about Hillary because she is Person-1 in the charge the grand jury rejected). That is, Lindsey the Insurance Lawyer may be trying to apply this Comey answer to Richman.

Except – even assuming he had spoken to Richman about Hillary (the right wing belief, until Richman's testimony in the last few weeks, is that Comey authorized Richman to talk about the Trump investigation) – Comey could easily say his answer here was about the McCabe reference. [Update: ABC is reporting that it is Richman.]

But if this thing were ever to go to trial – if Lindsey the Insurance Lawyer is really the US Attorney, if the indictment really is what the

grand jury approved, if this doesn't get booted on a vindictive prosecution claim, if Pat Fitzgerald fails to argue that Lindsey the Insurance Lawyer is confused about which FBI Director is a criminal – Comey can almost certainly call Teddy Cancun as a witness, at least to testify about materiality.

It would soon become clear that Comey's answer, even if it were a lie, could never be material, because Ted Cruz was going to believe what he already believed. Cruz was committed to his false beliefs, no matter what Comey said in response.

But under questioning by a skilled attorney – and Fitz has questioned far bigger blowhards than Ted Cruz, if you can believe it – such testimony would force Cruz to either double down on his lies, or to confess he was the one lying all those years ago.

Right now, there's not a shred of evidence that Comey lied in his statement.

There is, however, abundant evidence that Kash lied under oath and that Cruz lied in the same way he lies all the time. And if this were ever to go to trial, Cruz would, for once, have the opportunity to face consequences for any lies he told.

Update: CBS got the transcript of the exchange between Lindsey the Insurance Lawyer and Lindsey the Magistrate Judge. It seems clear that the Insurance Lawyer juggled her papers.

[T]wo versions of the indictment were published on the case docket: one with the dropped third count, and one without. The transcript reveals why this occurred.

“So this has never happened before. I've been handed two documents that are in the Mr. Comey case that are inconsistent with one another,” Vaala said to Halligan. “There seems to be a discrepancy. They're both signed by the

(grand jury) foreperson.”

And she noted that one document did not clearly indicate what the grand jury had decided.

“The one that says it’s a failure to concur in an indictment, it doesn’t say with respect to one count,” Vaala said. “It looks like they failed to concur across all three counts, so I’m a little confused as to why I was handed two things with the same case number that are inconsistent.”

Halligan initially responded that she hadn’t seen that version of the indictment.

“So I only reviewed the one with the two counts that our office redrafted when we found out about the two – two counts that were true billed, and I signed that one. I did not see the other one. I don’t know where that came from,” Halligan told the judge.

Vaala responded, “You didn’t see it?” And Halligan again told her, “I did not see that one.”

Vaala seemed surprised: “So your office didn’t prepare the indictment that they –”

Halligan then replied, “No, no, no – I – no, I prepared three counts. I only signed the one – the two-count (indictment). I don’t know which one with three counts you have in your hands.”

“Okay. It has your signature on it,” Vaala told Halligan, who responded, “Okay. Well.”

*Probably*, nothing will come of it. Probably, the only price Lindsey the Insurance Lawyer will pay for this is 1) disclosure of the no bill record

2) exposure of the charge grand jurors refused  
and 3) humiliation in her first big show.

But it creates surface area and, as I suggested,  
the possibility that Comey will use it to pierce  
the secrecy of everything else that went on in  
the grand jury, including why it took until 6:47  
to indict this.