

A TALE OF THREE FOOTNOTES FOR “PURPORTED INTERIM U.S. ATTORNEY LINDSEY HALLIGAN”

I suppose I should not have doubted that Abbe Lowell *would* file a request for relief based on Lindsey Halligan’s stalking of Anna Bower.

I mean, I didn’t doubt it.

But I was impatient. I should also have considered the optimal timing for Lowell to do that: the evening before the arraignment.

What a way for Lindsey Halligan to start out on the wrong foot with Judge Jamar Walker, with both the request to make Lindsey follow the rules on public comment and notice that Attorney General James (as Lowell refers to his client throughout) intends to move – *tomorrow* – to disqualify Lindsey on a schedule that will coincide with Jim Comey’s parallel attempt.

The request itself makes ample use of the opening Lindsey gave James to mock her inexperience. It refers to her as the “purported interim US Attorney” (or similar) five times.

Although the government sought and filed the indictment in this case on October 9, 2025—signed only by **purported interim U.S. Attorney Lindsey Halligan**—articles issued before the charges were filed indicated that charges would be brought.

What precipitates this motion now is a digital messaging exchange that occurred after the government brought charges, between **purported interim U.S. Attorney Halligan** and Anna Bower, a senior journalist for Lawfare, published on Monday, October 20, 2025.

[snip]

After confirming Ms. Halligan's identity, Ms. Bower asked the **purported interim U.S. Attorney** what she was "getting wrong," and Ms. Halligan replied: "Honestly, so much. I can't tell you everything but your reporting in particular is just way off. I had to let you know."

[snip]

These extrajudicial statements and prejudicial disclosures by any prosecutor, let alone **one purporting to be the U.S. Attorney**, run afoul of and violate the Federal Rules of Criminal Procedure, the Code of Federal Regulations, this Court's Local Rules, various rules of ethical and professional responsibility, and DOJ's Justice Manual.

[snip]

Ms. Halligan's initiation of contact, and then repeated exchanges, with the journalist—a mere two days after filing charges—appear to have violated several of the above-cited rules and codes of professional conduct. As the **purported chief law enforcement officer for this District**, as well as the individual who alone presented evidence to the grand jury in Alexandria and signed the two-count indictment of Attorney General James, 12 Ms. Halligan should know that she is prohibited by the federal, local, and Department rules governing extrajudicial statements and media contacts from engaging with a journalist about the substance and merits of a charged criminal case and the purported strength of the evidence put before a grand jury. [my emphasis]

It describes how even someone with absolutely no

prosecutorial experience like Lindsey should know basic rules.

No prosecutor is exempt from following those rules, but they should be followed to the letter by anyone trying to lead a prosecutor's office. Rather than follow DOJ's rules protecting non-public, sensitive information obtained in connection with a criminal case and investigation from disclosure, Ms. Halligan opted to use an encrypted app to text with a journalist and discuss the case, certain evidence, and her views on the strength of the charges brought, while ignoring any concerns of prejudice to the defendant, a fair trial, and rules against extrajudicial statements and pretrial publicity.

It has been reported that Ms. Halligan has no prosecutorial experience whatsoever. But all federal prosecutors are required to know and follow the rules governing their conduct from their first day on the job, and so any lack of experience cannot excuse their violation. While the oftquoted phrase "the bell cannot be unrung" is true for that which has already occurred, the Court can require the government to follow the law going forward by entering Attorney General James' requested Order and preventing further disclosures of investigative and case materials, and of statements to the media and public, concerning this case and any parties or witnesses.

It lists the many rules Lindsey broke:

- Federal Rule of Criminal Procedure 6(e)
- 28 C.F.R. § 50.2
- A variety of local rules, starting with Local Criminal

Rule 57.1, Free Press – Fair Trial Directives

- American Bar Associations Model Rule 3.8, Special Responsibilities of a Prosecutor
- Various parts of the Justice Manual, starting with Justice Manual (JM) 1-7.100

And then there are three footnotes which, as footnotes often do, have the meat of the argument.

Though the body of the motion does not mention Federal Records Act, Footnote 11 notes that Attorney General James will pursue the apparent violation of 44 U.S.C. § 2911 (violations of which require disciplinary action) “with the appropriate offices.”

11 In addition to apparently violating the rules addressed in this section, Ms. Halligan admitted in her exchanges with the journalist to a likely violation of the federal records laws and rules around using unapproved electronic messaging accounts. See 44 U.S.C. § 2911 (restricting officer or employee of an executive agency from sending messages using a non-official electronic messaging account). Ms. Halligan acknowledged she was using an unofficial messaging application, Signal, with its “disappearing messages” feature enabled and set to automatically delete after eight hours. Trying to delete the paper trail of improper communications does not mean they did not occur. For this reason, Attorney General James also asks the Court to order government attorneys and agents involved in this case to follow relevant laws around records retention, and to impose a litigation hold preventing the deletion or

destruction of any records or communications having anything to do with the investigation and prosecution of this case. Attorney General James will pursue this apparent violation of the law with the appropriate offices.

As for the grand jury secrecy violations, Footnote 5 notes that a court can prosecute or hold someone in contempt for violating grand jury secrecy.

5 The government can and does prosecute knowing violations of Rule 6(e) pursuant to district courts' contempt powers under 18 U.S.C. § 401(3), as well as pursuant to multiple felony criminal statutes. See Justice Manual, CRM 156 (observing that disclosure of "grand jury material with the intent to obstruct an ongoing investigation . . . may be prosecuted for obstruction of justice under 18 U.S.C. § 1503," and that an individual who "improperly disseminates grand jury materials may be prosecuted for the theft of government property under 18 U.S.C. § 641") (collecting cases).

But, Footnote 6 describes, Attorney General James is not asking for that kind of relief – that is, prosecution.

6 Attorney General James is not at this time formally moving for relief pursuant to FRCrP 6(e).

At least, "not at this time."

And honestly, Lindsey may not be the real target here. One of the things Lowell requests is a log of all contact between "any government attorney or agent on this case and any member of the news media" on this case.

3. Directing government counsel to

create and maintain a log of all contact between any government attorney or agent on this case and any member of the news media or press concerning this case.

Lindsey hasn't been doing the bulk of that. Eagle Ed Martin has.

And because Lindsey blabbed her mouth, Eagle Ed may, as a result, have to catalog all the times he has leaked about this case.