

BILL BARR HELPED LINDSEY HALLIGAN FUCK UP THE COMEY PROSECUTION

As I noted, William Fitzpatrick ordered the government to turn over the grand jury materials to Jim Comey by 3PM today.

In spite of all the ways that Lindsey the Insurance Lawyer fucked up, she's actually only responsible for three of the problems.

Others stem from conduct under Bill Barr, when these materials were first seized with warrants targeting Dan Richman.

Thus far, prosecutors have only named one investigation for which DOJ obtained these warrants: The Arctic Haze investigation into whether Richman – and through him, Jim Comey – leaked information about materials stolen from SVR in 2016; that investigation was closed without charge in 2021.

In 2017, the U.S. Attorney's Office for the District of Columbia ("USAO-DDC") initiated an investigation, referred to by the Federal Bureau of Investigation ("FBI") as Arctic Haze. ECF 71 at 2. This investigation concerned an allegation of unauthorized disclosure of classified information to a New York Times reporter, which appeared in an April 22, 2017 article titled "Comey Tried to Shield the FBI from Politics. Then He Shaped an Election." Id. The investigation focused on the article's inclusion of classified information related to one of the factors that influenced Mr. Comey's decision, as then-FBI director, to unilaterally announce the closure of the FBI's investigation into then-Presidential Candidate Hillary Clinton's handling of

classified material while she was serving as Secretary of State. Id. Daniel Richman, a Columbia Law School professor, personal friend of Mr. Comey, and former Special Government Employee at the FBI during Mr. Comey's tenure as FBI Director, was quoted by name in the article and was the subject of USAO-DDC's investigation. Id.

But there must be a second investigation, because the warrants extend beyond the time of the Arctic Haze story and they include a crime, 18 USC 641, unrelated to it.

The Richman Warrants authorized agents to search for and seize information created or stored between March 1, 2016 and May 30, 2017 that constituted evidence of violations of 18 U.S.C. § 641 (Theft and Conversion of Stolen Government Property) and 18 U.S.C. § 793 (Unlawful Gathering or Transmission of National Defense Information).

As I said in my video today, the 18 USC 641 would correspond with an attempt to criminalize sharing memos recording Trump's misconduct.

But even that can't be all.

Date	Warrant	Target	Dates	Actual Range
August 27, 2019	19-sw-182	Hard drive	February 1, 2017 to April 30, 2017	February 1, 2017 to June 10, 2017
October 22, 2019	19-sc-2097	Columbia email accounts	March 1, 2016 to May 30, 2017	
November 22, 2019		Richman interview		
January 31, 2020	20-sw-200	iCloud account	March 1, 2016 to May 30, 2017	March 1, 2016 to August 13, 2019
June 4, 2020	20-sw-143	iPhone and iPad backup	March 1, 2016 to May 30, 2017	
June 29, 2021		Comey shares phone		

As a letter drafted by Richman's attorney in April 2020 noted, DOJ twice extended the range of the seizure beyond the period authorized by the warrant.

According to an April 29, 2020 letter from Mr. Richman's then-attorney to the government—produced to the Court ex parte by the defense—the Department of Justice informed Mr. Richman that the

data it obtained from his iCloud account extended to August 13, 2019, well outside the scope of the warrant and well past the date on which Mr. Richman was retained as Mr. Comey's attorney. ECF 181-6 at 20. The same letter further states that the Department of Justice informed Mr. Richman that it had seized data from Mr. Richman's hard drive that extended to June 10, 2017—again well into the period during which Mr. Richman represented Mr. Comey—despite the warrant (19-sw-182) imposing a temporal limit of April 30, 2017. Id.

In August 2019, the government obtained all of May and part of June 2017 beyond the warrant — which happened to include the scope of the Comey memos and go right through his testimony to Mueller and public testimony before the Senate Intelligence Committee. The approved scope of the warrants thereafter all extended to May 30, past the time Comey released his memos and Rod Rosenstein appointed a Special Counsel. Then, in January 2020, DOJ obtained iCloud content from *two and a half years* beyond the scope of the known warrant, through August 2019.

There's likely good reason DOJ did that: to feed the Durham investigation, which had shifted to chasing the Clinton Plan conspiracy theory by early 2020.

The government never asked Comey to review those materials for privilege even though, as Fitzpatrick noted, three of the warrants extended beyond the time he retained Richman.

[T]he government never engaged Mr. Comey in this process even though it knew that Mr. Richman represented Mr. Comey as his attorney as of May 9, 2017, and three of the four Richman Warrants authorized the government to search Mr. Richman's devices through May 30, 2017, 21 days after an attorney-client relationship had been formed.

[snip]

[I]n 2019 and 2020, the government made a conscious decision to exclude Mr. Comey from the filter process, even though Mr. Comey, as the client, is the privilege holder, not Mr. Richman.

Fitzpatrick excused Tyler Lemons and Gabriel Wolf, as well as EDVA, for the slovenly way the earlier searches were done: they all happened long before any of *those* AUSAs were involved in the case.

4 To be clear, the two assistant United States attorneys currently assigned to this case entered their appearances post-indictment and were not a part of the Arctic Haze investigative team.

7 It is important to note that the USA0-EDVA prosecutors were not involved in the 2019 and 2020 searches of the Richman materials and may have reasonably assumed the agents in 2019 and 2020 seized and preserved only those materials responsive to the warrants.

But there is someone who likely does span the slovenly earlier treatment and that of the last two months: Jack Eckenrode. Indeed, Eckenrode may even have worked for Durham (hunting Jim Baker for a different leak investigation) before Barr assigned Durham to chase Russian disinformation for four years. But those secondary investigations would have fed right into Durham.

That makes this description of the decision to have what is presumed to be Miles Starr testify before the grand jury more suspect.

The government presented this case to the grand jury on September 25, 2025. ECF 1. The same day, prior to the grand jury presentment, Agent-2 alerted the lead case agent (hereinafter referred to

as Agent-3 [Miles Starr]) and an attorney with the FBI's Office of General Counsel that "evidence obtained in the Government's investigation of James Comey may constitute attorney-client privileged or attorney-client confidential information. It is also possible that [the agents] may have obtained evidence that constitutes attorney work-product information."⁸ ECF 89-5. Agent-2 gave Agent-3 and the FBI attorney "a limited overview of the [privileged] communications." ECF 172-2.9 Agent-3, rather than remove himself from the investigative team until the taint issue was resolved, proceeded into the grand jury undeterred and testified in support of the pending indictment. ECF 179. In fact, Agent-3 was the only witness to testify before the grand jury in support of the pending indictment. *Id.* The government's decision to allow an agent who was exposed to potentially privileged information to testify before a grand jury is highly irregular and a radical departure from past DOJ practice.

8 This is the language used by an FBI attorney to characterize their September 25, 2025 phone conversation with Agent-3. **A second agent, possibly Agent-2, was also on the call but that that person's identity has been shielded from the Court.** ECF 89-5. [citing the filing that mentioned the two lead case agents]

9 The government provided no further detail about what, in its view, constitutes a "limited overview." [my emphasis]

The two lead case agents mentioned in Comey's most extensive discussion of what happened are reported to be Starr and Eckenrode, the latter rehired after failing to substantiate this

conspiracy theory the first time.

And remember: one of the people who appears as author of a document but who did not notice an appearance is a second Gabriel, Gabriel Cohen, who registers an OGC email address. He authored Lindsey Halligan's ill-fated declaration. Perhaps he's the FBI lawyer who thought it'd be cool to have a tainted witness present to the grand jury.

Fitzpatrick plays coy about why no one thought to ask for a filter protocol until October 13 (perhaps not coincidentally, the day Maggie Cleary was fired).

For reasons that remain unclear, the government waited 31 days from September 12, 2025, the date the FBI began reviewing the materials, and 18 days from September 25, 2025, the date the FBI informed its Office of General Counsel about having been exposed to potentially privileged materials, before seeking court approval of a filter protocol on October 13, 2025.

One possible reason: They weren't going to ask for a filter review at all until the Loaner AUSAs came in and put their bar licenses at risk.

They stumbled on something they thought would feed their grand conspiracy and tried to run with it.

Perhaps they anticipated that the least scrutiny of this conduct would reveal layers upon layers of misconduct.