

US Law Week

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Former FBI Director Comey Pleads Not Guilty to US Charges (3)

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- Former FBI Director James Comey pleaded not guilty to charges that he lied to lawmakers and obstructed a congressional proceeding.
- Comey's lawyers say the case was improperly brought at the behest of President Donald Trump, and they will ask for the case to be dismissed.
- The indictment alleges that Comey made a false statement under questioning from a senator during a 2020 hearing, and if convicted, he could face up to five years in prison.

Former FBI Director **James Comey** pleaded not guilty to charges that he lied to lawmakers and obstructed a congressional proceeding, in a case that his lawyers say was improperly brought at the behest of President Donald Trump.

Comey is contesting the charges brought last month by a new US Attorney for the Eastern District of Virginia whom Trump abruptly installed after her predecessor resigned under pressure . The indictment alleges that Comey made a false statement under questioning from a senator during a 2020 hearing.

The appearance of the former Federal Bureau of Investigation chief before a federal judge in Alexandria, Virginia, on Wednesday marked a watershed moment in Trump's push for legal action against his perceived enemies. Comey's charges have heightened concerns about the Justice Department's independence and fueled allegations that prosecutors are improperly acting on the president's calls for retribution.

Trump fired Comey in 2017 as he was overseeing a probe into whether anyone associated with the president's 2016 campaign conspired with Russia to interfere in that election.

The indictment centers on testimony Comey gave to the Senate Judiciary Committee in September 2020. In an exchange, Republican Senator Ted Cruz of Texas cited previous testimony Comey gave saying he never authorized leaks of information about investigations related to Hillary Clinton, the Democratic presidential candidate in 2016, or Trump. Comey said he stood by that testimony.

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During the hearing Wednesday, Comey said, "Yes, your honor," when he was asked by the judge if he understood the charges against him. Comey barely spoke during the proceeding, which lasted about 20 minutes. His attorney, Patrick Fitzgerald, a former US attorney for the Northern District of Illinois, entered the plea of not guilty.

Fitzgerald said in court that Comey's defense believes the Justice Department brought the charges at Trump's direction and would ask for the case to be dismissed. He also said they'd challenge the appointment – days before Comey's indictment – of Trump's hand-picked prosecutor, **Lindsey Halligan**, who was formerly one of his private attorneys.

"Our view is that this prosecution was brought at the direction of President Trump," Fitzgerald said during the hearing. If the case isn't dismissed, he said, "My client is anxious to get to a speedy trial."



James Comey testifies via videoconference during a Senate hearing in 2020.

Photographer: Stefani Reynolds/Bloomberg

US District Judge Michael Nachmanoff set a trial for Jan. 5 and said it would last for two to three days. Comey was released with no bond.

Fitzgerald said in court that the defense hasn't been given any additional details about the charges, including the identities of people referenced in the indictment. Prosecutors said there is a large amount of evidence, including classified information, which could slow down the timing of when it is turned over to Comey's lawyer.

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"I will not slow this case down because the government does not properly turn everything over," Nachmanoff said. "This does not appear to me to be an overly complicated case."

'Not Afraid'

After the indictment was released on Sept. 25, Comey said in a video on Instagram that he is "not afraid." If convicted of the charges, the former FBI director could face up to five years in prison.

Trump had made clear his desire for the Justice Department to prosecute Comey just days before Halligan filed the charges. In a social media post, the president urged Attorney General Pam Bondi to take swift action against Comey and others.

"We can't delay any longer, it's killing our reputation and credibility," Trump said in the Sept. 20 post. "JUSTICE MUST BE SERVED, NOW!!!"

Trump cheered the announcement of Comey's indictment on social media, fueling criticism that the Justice Department was inappropriately acting at the behest of the president. During a tense Tuesday hearing before the Senate Judiciary Committee, Democrats questioned whether Bondi and other Justice Department leaders were caving to political pressure by Trump to bring improper prosecutions.

"The Attorney General has systemically weaponized our nation's preeminent law enforcement agency to protect President Trump and his allies and attack his opponents and the American people," said Senator Dick Durbin, the top Democrat on the committee.

Bondi refused to discuss the case against Comey. She and other top administration officials, however, have said that Comey's indictment wasn't politically motivated. "No one is above the law," she said in a post on X as the charges were revealed.

The case is US v. Comey, 25-cr-272, US District Court, Eastern District of Virginia (Alexandria).

(Updates with lawyer comment in eighth paragraph.)

To contact the reporters on this story:

Chris Strohm in Washington at cstrohm1@bloomberg.net;

Jimmy Jenkins in Washington at jjenkins199@bloomberg.net

To contact the editors responsible for this story:

Sara Forden at sforden@bloomberg.net

Elizabeth Wasserman, Steve Stroth

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