

Comey alleges illegal surveillance

Says Trump personally sought notes on probe

Aysha Bagchi
USA TODAY

Former FBI Director James Comey alleged in new court filings that the Secret Service illegally surveilled him and that President Donald Trump personally sought notes from an investigation into his social media post of an image of seashells on a beach.

Comey is fighting to get the court to throw out criminal charges that his post was an illegal threat to harm or kill the president. The seashells were shaped to spell out “86 47” “86” is a slang term that means “to throw out” or “to get rid of,” according to Merriam-Webster; Trump is the 47th U.S. president.

The case has drawn condemnation from free speech advocates, and even some conservative legal voices have denounced the charges as a threat to the First Amendment.

Now, Comey has placed many of those objections in writing. “The government has singled out Mr. Comey for prosecution because President Trump harbors animus toward Mr. Comey and his protected speech, and it has done so in direct response to the President’s urgings,” Comey said in a July 28 filing to the U.S. District Court for the Eastern District of North Carolina.

The Justice Department declined to comment. A DOJ spokesperson previously said that Comey would have his day in court, and that revealing further details about the case wouldn’t be fair to him or the prosecution.

The document was one of several filings Comey made July 28 in which he argued that his constitutional rights are being violated by a vindictive prosecution, that he should get access to records on what led a grand jury to indict him, and that evidence in the case should be suppressed because it came from misleading search warrant applications.

Earlier in the week, Comey argued in a separate motion that the charges should be dismissed because no one could reasonably interpret his post as a true threat, and because the charges unconstitutionally infringe on free speech.



Former FBI Director James Comey is fighting to get the court to throw out criminal charges that his “86 47” social media post was an illegal threat to harm or kill the president. JACK GRUBER/USA TODAY

In one of those filings, Comey said the government submitted sworn affidavits stating that his experience prosecuting organized crime would have made him aware that the term “86” was a call for violence. But by that point, the government’s own investigation had shown that wasn’t true, and the government omitted that inconvenient evidence from its search warrant applications, Comey’s lawyers said.

For instance, former Gambino crime family hit man Salvatore Gravano, aka “Sammy the Bull,” told the government he had no memory of discussing the term “86” with Comey when Comey prosecuted a criminal case against mobster John Gambino and other Mafia members in the early 1990s, according to Comey. Gravano cooperated with the prosecution in that case.

While Gravano speculated that law enforcement officers would know “86” meant “to kill,” that was contradicted by former FBI agents and by repeated searches of case and law enforcement records, Comey said.

“All of those investigations supported Mr. Comey’s assertion that he did not

recall ever hearing ‘86’ used to mean ‘kill’ during his prosecutorial days,” the filing said.

The filings paint a picture of the investigation into Comey as being driven by the president himself.

One document in the case states that Trump requested a copy of the notes from a Secret Service interview with Comey that took place soon after the posting, which Trump wanted to use in a press conference, according to an affidavit filed by Comey’s lawyer, former DOJ official Patrick J. Fitzgerald. A Secret Service agent traveling with the president told a supervisor that the Comey interview “is a hot topic on the plane and [Trump] is very interested,” Fitzgerald said.

Another record in the case also states that Trump directly requested “a summary of the interview when available,” according to the affidavit.

Comey also highlighted in one of his filings Trump’s public calls for him to face charges.

In September, Trump posted on social media a message directed specifically to then-Attorney General Pam

Bondi saying that Comey was “guilty as hell” of an unspecified crime and that “JUSTICE MUST BE SERVED, NOW!!!”

Within days, Bondi appointed a former personal lawyer of Trump’s to a top prosecutorial role, and that lawyer secured criminal charges alleging Comey lied to Congress. A judge dismissed the charges after concluding that the prosecutor’s appointment was unlawful.

In April, Trump fired Bondi and Deputy Attorney General Todd Blanche took over as acting attorney general. Later that month, Blanche’s DOJ secured the current indictment tied to the seashells post. The move appeared to please Trump, who reposted a social media post in May stating, “We see Comey” and “It’s time we get to SEE JUSTICE!”

The criminal indictment for the seashells post “is not based on a good-faith application of the law to the facts; instead, it effectuates a yearslong campaign by the President to use the criminal process to punish Mr. Comey,” the filing said, arguing the case is an unconstitutional, vindictive prosecution.

Comey also alleged in his filings that he and his wife were illegally surveilled as part of the investigation.

In a filing seeking access to the grand jury records, Comey said the government engaged in “illegal electronic surveillance” of him early in its investigation, “following a request for such surveillance by a high-level DOJ official.”

In a separate filing asking for evidence to be suppressed, Comey said his and his wife’s car was tailed and his phone was “illegally tracked” while they drove from their vacation spot in North Carolina back to their home in Virginia, stopping at the grave of one of their children.

The government didn’t get a warrant or court order to authorize the electronic surveillance, according to Fitzgerald’s affidavit. Instead, the Secret Service submitted an emergency request to Verizon saying the surveillance was related to “an emergency involving danger of death or serious physical injury to a person.”

The Secret Service made that request after a special agent said it “was a bad idea” because the service “did not believe that anyone’s life was in immediate danger,” according to the affidavit.

Police

Continued from Page 3A

shortages, they are currently forced to spend hours at a time traveling to get the training they need, resulting in days of lost time that could otherwise be spent addressing violent crime and making our community safer. With the completion of this driving track, first responders in Louisville will be able to complete their training in Jefferson County and in the vehicles they use every single day,” Mudd said.

Southwest Louisville first responder facility

Louisville Metro Council approved \$6 million to purchase land in southwest Louisville for a first responder training facility in the fiscal year 2025-26 budget.

Metro Government plans to buy roughly 92 acres of land off Dixie Highway for the project, a November 2025 letter of intent obtained through an open records shows. Mudd said the city is working to close the purchase, with a tentative goal to begin construction mid-October.

With a \$5 million allocation in the current city budget and another \$5 million allocated by the Kentucky General Assembly in the 2026 legislative session, officials expect costs of building the driving track and related infrastructure improvements to be covered, Mudd said. Additional phases of the project would need more funding, he added.

The completion of a dedicated training facility for scenario-based instruction will be a long time coming, LMPD spokesperson Aaron Ellis said in an email. He said the driving track will allow officers to complete emergency vehicle operations training locally rather than traveling to Richmond in Eastern Kentucky, where the department conducts most of its primary driving training.

“This facility is about safety. A dedicated driver training track will allow first responders to train for real-world situations in a controlled environment, helping them make better decisions behind the wheel and improving safety for both our personnel and the community we serve,” LMPD Chief Paul L. Humphrey said in a statement.

Details about future phases of devel-

Without a dedicated facility, Middletown Police Chief Rob Herman said, police departments in Jefferson County and other nearby counties often turn to commercial facilities that lack the flexibility and specialized equipment needed for law enforcement training.

opment are unclear, though a February report by the Office of Inspector General found that LMPD’s delivery of firearms training is constrained by inadequate and outdated facilities.

Middletown first responder training facility

Across the county, Middletown officials hope to break ground on their own first responder training facility in the fall.

The Middletown project, which received \$15 million in fiscal year 2026-27 and \$10 million in fiscal year 2027-28 from the state legislature, will feature an indoor shooting range, classrooms and a large meeting room, Middletown Police Chief Rob Herman told The Courier Journal.

Without a dedicated facility, Herman said, police departments in Jefferson County and other nearby counties often turn to commercial facilities that lack the flexibility and specialized equipment needed for law enforcement training. The Middletown facility, he said, will offer a controlled environment to simulate real-life scenarios.

Its location also makes it an easy drive for police departments in eastern Jefferson County and others in neighboring counties, Herman said.

At a Metro Council budget hearing in May, Humphrey said he’s been in communication with Middletown officials to ensure the new facilities complement each other.

Middletown Mayor Byron Chapman said the training opportunities created by the facility will sharpen police forces around the region.

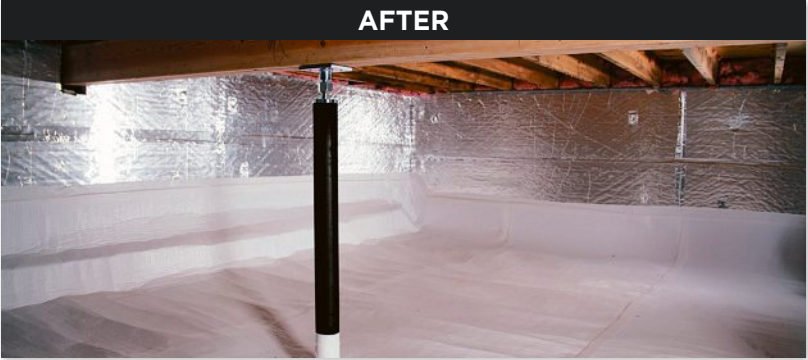
“A better-trained officer is going to be a safer officer,” he said. “It’ll benefit not only the officer but the community as well.”

Killian Baarlaer covers Louisville Metro Government. Reach him at kbaarlaer@courier-journal.com or @bkilian72 on X.

TRAINED AND CERTIFIED

CRAWL SPACE

REPAIR EXPERTS



- FOUNDATION REPAIR

BASEMENT WATERPROOFING
- CRAWL SPACE REPAIR

CONCRETE LIFTING

LIMITED TIME OFFER
\$500 OFF*



A Groundworks Company

FREE INSPECTION



865-282-2543

*Ten percent off any job over \$2500 up to a max of \$500. Coupon must be presented at time of inspection. Offer may not be combined with any other offer. Limit one per customer. Ask inspector for further details. Promo valid through 08/31/2026 . For state licenses visit: [Groundworks.com/licensing](https://groundworks.com/licensing)

