

SPECIAL COUNSEL JACK SMITH TAUGHT DOJ HOW TO ALPHABETIZE BY LAST NAME! A TALE OF TWO SUBPOENAS, AND OTHER SELF-MOCKERY

In the wake of the appointment of Jack Smith, journalists (including yours truly) and TV lawyers everywhere are overreading everything that happens in Prettyman Courthouse, when the reality is that the visible signs of investigation into Donald Trump are largely logical next steps from prior known steps before Smith was appointed. What we're seeing, thus far, is almost certainly in reality the expected flurry of activity after the election pause ended.

So to make fun of myself and others, let me overread.

BREAKING: Jack Smith has taught DOJ how to alphabetize by last name!

I base that claim on two subpoenas from the same investigation: This subpoena, to some Arizona Republicans, first reported by WaPo in July. And this subpoena, to Milwaukee County Clerk, also reported by the WaPo, today.

Both are from grand jury 22-5, which earlier this year was focusing on the fake elector plot. Both include the same FBI agent, Daniel Mehochko, as the recipient.

But the first subpoena was sent in June, under Matthew Graves (it was signed by AUSA Thomas Windom). The second subpoena was sent on stationary naming Jack Smith (it was signed by AUSA Matthew Burke).

So, in my self-mocking overreading, the difference between the two closely related

subpoenas must reflect the passage in time and new rules we'll ascribe, with no basis, to Jack Smith (but which are almost certainly due to some other thing).

On that logic, one key difference is that in the new subpoena – the one sent under stationary with Smith's name on it – is that a fairly standard list of names of top Trump associates is alphabetized by last name, whereas the same list in June was alphabetized by first name. (The number after the names in the left column reflect where they showed up in that earlier list.)

June	November
Kenneth Cheesbro (9)	Kenneth Cheesbro
Justin Clark (8)	Justin Clark
Joe DiGenova (5)	Joe DiGenova
John Eastman (6)	John Eastman
Jenna Ellis (4)	Jenna Ellis
Boris Epshteyn (2)	Boris Epshteyn
Joshua Findlay (7)	
Rudolph Giuliani (11)	Rudolph Giuliani
Bernard Kerik (1)	Bernard Kerik
	Bruce Marks
	Cleta Mitchell
	Matthew Morgan
	Kurt Olsen
	William Olson
	Stefan Passantino
	Sidney Powell
Mike Roman (10)	
	Bill Stepien
Victoria Toensing (12)	Victoria Toensing
James Troupis (3)	James Troupis
	Lin Wood

There are other differences, too. The newer subpoena covers an earlier but shorter timeframe, from June 1, 2020 to January 20, 2021 than the older one, which covers October 1, 2020 to then present, June 2022. The older subpoena asks for communications with “any member, employee, or agent” of the Executive or Legislative branches, but only asks for comms with agents of Donald J. Trump. The newer one doesn't ask for comms with Congress (though that may be because members of Congress weren't involved as they were with the fake electors). But it does ask for comms involving Donald J.

Trump, the man, not just the campaign.

Perhaps the most interesting difference – one that may reflect a change of real rather than self-mocking import – is that Joshua Findlay (background here) and Mike Roman (background here) are not on the newer list. Roman had his phone seized in September.

Here are some other events that have happened since Jack Smith was appointed that are probably just the steps that prosecutors already had planned, including some who are probably not on Smith's team:

- November 18: A DC prosecutor who has focused on important assault cases, Robert Juman, issued a subpoena to Alex Holder, the documentary film maker who tracked Trump and his family. That was first reported by Politico.
- November 29 and December 6: Stephen Miller makes two appearances before the grand jury.
- December 1: Dan Scavino, William Russell, and William Harrison testify before the grand jury.
- December 2: The two Pats – Cipollone and Philbin – testify for a combined ten hours to the grand jury.

Update: As noted in the comments, the earlier list was also alpha order, just by first name. I've attempted to mock myself some more above accordingly.