

Where Is the Original FBI Report of the Flynn Interview?

by Gary Fouse



On Friday, Robert Mueller's prosecution team [turned over](#) to US District Court Judge Emmet Sullivan a redacted copy of an FBI report (form 302) pertaining to the FBI interview of Michael Flynn in the White House on January 24, 2017. Strangely, this report was dated July 19, 2017 and concerned an interview not with Flynn, but with one of the interviewing agents, the infamous Peter Strzok. Earlier we learned that FBI reports had been written regarding the Flynn interview months after the interview took place. In my experience as a retired DEA agent operating under the same laws and guidelines, I sensed that something was quite fishy. I still do.

As I pointed out in [this](#) article, if an agent submits a report that contains a factual error in it, it is his or her responsibility to submit a new report documenting the error and correction. You cannot simply destroy the old report. Both reports become part of the case file. Copies of the corrected report are sent to all other offices/recipients who received the first report. Both reports are submitted to the prosecutor and made available to the defense attorney (under rules of discovery) in the event of eventual prosecution.

It appears in this case that there should have been a report written by one of the interviewing agents in the days after the interview. If the FBI has a five-day rule, that is quite reasonable. Sometimes it takes a couple of days to complete the report, get it typed and signed off on by a supervisor. My question is-and I am sure Judge Sullivan's question is- where is the original report that should have been completed within a few days of January 24? A report based on an interview of the interviewer, Peter Strzok, in July 2017 doesn't suffice in any way, shape or form. The submission of this report without an original report makes it even more suspicious. In this Fox News [referring](#) to a report (302) being written on the interview on August 22, 2017.

Could it be that the FBI, at some point in their investigation, wanted to bury the fact that, originally, the agents interviewing Flynn did not believe he was lying? We have also learned that FBI supervisor Andrew McCabe, in calling Flynn to set up the interview by Strzok and another agent, told Flynn that he did not need a lawyer present, which, given what we know now, he surely did. So why did the FBI not go through what would have been the normal routine-arranging the interview through the White House Counsel Office? James Comey himself gave us that answer a few days ago when he told interviewer Nicole Wallace that the Trump White House was so disorganized, he thought it best to avoid the trouble. That speaks volumes about James Comey.

It should also be pointed out that under the so-called Brady Rule, the prosecution has the duty to turn over to the defense any and all information that may be helpful to the defendant in a trial. It is very possible, even likely, in my view, that this rule was violated.

The absence of an FBI report submitted within days of the actual interview raises red flags to anyone familiar with the process. Reports written long after the fact, whether in February, July, or August 2017, only raise more red flags. Is it possible that somebody destroyed the original report which should have been written within five days of January 24? Is it possible that the FBI initially felt the interview was so unimportant that they initially neglected to even write a report-until some point later in time? That latter possibility seems somewhat remote given what they wanted to know from Flynn about his alleged contact with the Russian ambassador to the US. Whatever it is, something is wrong here, and I don't think there is an innocent explanation for it.