

THE EIGHT INVESTIGATIONS INTO THE RUSSIAN INVESTIGATION HAVE ALREADY LASTED 47% LONGER THAN THE INVESTIGATION ITSELF

Before the holiday weekend, FBI Director Christopher Wray announced an “after-action review of the Michael Flynn investigation.” Thus far, that makes the eighth known investigation into the Russian investigation – and every known investigation included at least a small component relating to Mike Flynn. The investigations into the Russian investigation, which collectively have lasted around 2,064 days, have gone on 47% longer than the investigation itself.

This table lists all the known investigations pertaining to the Russian investigation, save those into people involved in the Carter Page FISA applications. All have at least a component touching on the investigation into Mike Flynn.

Investigation	Scope	Dates	Total days
Russian investigation		July 31, 2016 to present	1396
Inspection Division Fuck Flynn	Review of three allegations made by Sara Carter	July 26 to August 14, 2017	19
DOJ IG Report on Jim Comey	Whether Comey violated Department or FBI policies, or the terms of his FBI Employment Agreement, in his handling of the Memos during and after his tenure as FBI Director.	July 2017 to August 29, 2019	759
Fuck Flynn Fuck Trump 1	First review of allegation that McCabe said they'd "fuck Flynn"	January 29 to March 13, 2018	43
Fuck Flynn Fuck Trump 2 and 3	Second review of allegation that McCabe said they'd "fuck Flynn"	July 17 to October 15, 2018	90
DOJ IG Report on Carter Page	<ul style="list-style-type: none">Whether the Department and the FBI complied with legal requirements and applicable policies and procedures in FISA applications filed with the FISC relating to surveillance of Carter Page; • What information was known to the Department and FBI at the time the applications were filed about Christopher SteeleHow the Department's and FBI's relationships and communications with Steele related to the FISA applicationsWhether Strzok-Page communications evidencing a potential bias affected investigative decisions made in Crossfire HurricaneWhether the FBI had placed any CHSs within the Trump campaign or tasked any CHSs to report on the Trump campaign, and, if so, whether any such use of CHSs was in violation of applicable Department and FBI policies or was politically motivated	March 28, 2018 to December 9, 2019	621
Durham investigation	Scope unclear	April 12, 2019	411
Jensen investigation	Scope unclear	February 1, 2020	116
FBI Inspection Division review of Flynn investigation	(1) evaluate the relevant facts related to the FBI's role in the Flynn investigation and determine whether any current employees engaged in misconduct (2) evaluate any FBI policies, procedures, or controls implicated by the Flynn investigation and identify any improvements that might be warranted	May 22, 2020	5

This table assumes the Russian investigation is ongoing, based off the redactions in the Roger

Stone warrant releases and FOIAed 302s, even though Mueller closed up shop a year ago.

At least three of the investigations in this table pertain to allegations first seeded with Sara Carter and then to various Congressional staffers that Andrew McCabe said, "Fuck Flynn, and I fucking hate Trump." McCabe was actually considered the victim of the first investigation, which was conducted by the FBI's Inspection Division, the same entity that will conduct the investigation announced last week. While the full timing of that investigation is not known, Strzok gave a statement to the Inspection Division on July 26, 2017. That Inspection Division investigation led into the investigation into McCabe himself, though that investigation focused on his confirmation of the investigation into the Clinton Foundation (and so is not counted in this table).

Mike Flynn kept raising the "Fuck Flynn" allegations with prosecutors, leading the government to review the allegations two more times, including an October 25, 2018 interview with Lisa Page where she was also asked about her role in editing the Flynn 302s.

The defendant's complaints and accusations are even more incredible considering the extensive efforts the government has made to respond to numerous defense counsel requests, including to some of the very requests repeated in the defendant's motion. For instance, the defendant alleges that former FBI Deputy Director Andrew McCabe said, "'First we f**k Flynn, then we f**k Trump,' or words to that effect;" and that Deputy Director McCabe pressured the agents to change the January 24 interview report. See Mot. to Compel at 4, 6 (Request ##2, 22). Defense counsel first raised these allegations to the government on January 29, 2018, sourcing it to an email from a news reporter. Not only did the

government inform defense counsel that it had no information indicating that the allegations were true, it conducted additional due diligence about this serious allegation. On February 2, 2018, the government disclosed to the defendant and his counsel that its due diligence confirmed that the allegations were false, and referenced its interview of the second interviewing agent, 4 who completely denied the allegations. Furthermore, on March 13, 2018, the government provided the defendant with a sworn statement from DAD Strzok, who also denied the allegations.

Nevertheless, on July 17, 2018, the defense revived the same allegations. This time, the defense claimed that the source was a staff member of the House Permanent Select Committee on Intelligence ("HPSCI"). The HPSCI staff member allegedly told the defendant that the second interviewing agent had told the staff member that after a debrief from the interviewing agents, Deputy Director McCabe said, "F**k Flynn." Once again, the government reviewed information and conducted interviews, and once again confirmed that the allegations were completely false. And after defendant and his counsel raised the accusation for a third time, on October 15, 2018, the government responded by producing interview reports that directly contradicted the false allegations. Despite possessing all of this information, defense counsel has again resurrected the false allegations, now for a fourth time

The DOJ IG investigation into whether Jim Comey violated policy or the law by bringing home his CYA memos started in July 2017 and continued through last summer. Obviously, one of those memos recorded Trump asking Comey to let the

Flynn investigation go.

The table above does not include the DOJ IG Report on the Midyear Exam investigation (into Hillary), even though that was the first to examine the Lisa Page and Peter Strzok texts. For timing purposes, only the DOJ IG investigation into Carter Page's FISA applications investigation counts the investigation into Page and Strzok. That investigation also considered the treatment of Flynn's presence in the first intelligence briefing for Trump.

Finally, there's the John Durham investigation – which Bill Barr's top aides were scoping at least as early as April 12 of last year. There is no public scope document. Similarly, there's no public scope document of the Jeffrey Jensen review, which Barr launched to create some excuse to move to dismiss the Flynn prosecution after prosecutors recommended (and all of DOJ approved) prison time. Wray's statement announcing the FBI's own investigation into the Flynn investigation made clear that the Jensen investigation remains ongoing.

FBI Director Christopher Wray today ordered the Bureau's Inspection Division to conduct an after-action review of the Michael Flynn investigation. The after-action review will have a two-fold purpose: (1) evaluate the relevant facts related to the FBI's role in the Flynn investigation and determine whether any current employees engaged in misconduct, and (2) evaluate any FBI policies, procedures, or controls implicated by the Flynn investigation and identify any improvements that might be warranted.

The after-action review will complement the already substantial assistance the FBI has been providing to U.S. Attorney Jeff Jensen in connection with his work on the Flynn case. Under Director Wray's leadership, the FBI has been

fully transparent and cooperative with Mr. Jensen, and the FBI's help has included providing special agents to assist Mr. Jensen in the fact-finding process. Although the FBI does not have the prosecutorial authority to bring a criminal case, the Inspection Division can and will evaluate whether any current on-board employees engaged in actions that might warrant disciplinary measures. As for former employees, the FBI does not have the ability to take any disciplinary action.

Director Wray authorized this additional level of review now that the Department of Justice, through Mr. Jensen's work, has developed sufficient information to determine how to proceed in the Flynn case. However, Mr. Jensen's work will continue to take priority, and the Director has further ordered the Inspection Division to coordinate closely with Mr. Jensen and ensure that the review does not interfere with or impede his efforts. Relatedly, for purposes of ensuring investigative continuity across these related matters, the Inspection Division will also utilize to the extent practicable the special agents that the FBI previously assigned to assist Mr. Jensen.

In Bill Barr's interview with Catherine Herridge, he discussed the Jensen review in terms of criminal behavior, which would mean Jensen and Durham are *both* considering criminal charges for some of the same activities – activities that had been investigated six times already.

Based on the evidence that you have seen, did senior FBI officials conspire to throw out the national security adviser?

Well, as I said, this is a particular

episode. And it has some troubling features to it, as we've discussed. But I think, you know, that's a question that really has to wait an analysis of all the different episodes that occurred through the summer of 2016 and the first several months of President Trump's administration.

What are the consequences for these individuals?

Well, you know, I don't wanna, you know, we're in the middle of looking at all of this. John Durham's investigation, and U.S. Attorney Jensen, I'm gonna ask him to do some more work on different items as well. And I'm gonna wait till all the evidence is, and I get their recommendations as to what they found and how serious it is.

But if, you know, if we were to find wrongdoing, in the sense of any criminal act, you know, obviously we would, we would follow through on that. But, again, you know, just because something may even stink to high heaven and be, you know, appear everyone to be bad we still have to apply the right standard and be convinced that there's a violation of a criminal statute. And that we can prove it beyond a reasonable doubt. The same standard applies to everybody.

This is one reason why DOJ's claim to have found "new" information justifying their flip-flop on Flynn's prosecution would be so absurd if DOJ weren't making the claim (with no documentation) in court. Different entities in DOJ had already investigated circumstances surrounding the Flynn investigation at least seven times before Jensen came in and did it again.

But I guess Barr is going to keep investigating until someone comes up with the result he

demands .