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Transcript: A Disturbing Story Concerning the FBI

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FOX NEWS

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BILL O'REILLY, HOST: In the *Impact* segment tonight, a very disturbing story. Charges that an FBI agent named Amal Abdel Hafiz refused to wear a recording device in terrorist investigations of accused money men Yassin Al-Kadi and Sami Al-Arian.

Kadi was being investigated for activities surrounding the bombing of an American embassy in Africa. He lives in Saudi Arabia.

Al-Arian, as you may know, has been charged with raising money for Palestinian Islamic Jihad.

Last week the FBI put Hafiz on leave but denies he refused to wear the wire.

Now we were supposed to have FBI counter-terrorism agent Robert Wright, who worked with Hafiz, as our guest this evening, but FBI chief Robert Mueller threatened to fire him if he appeared on THE FACTOR. That happened about an hour ago.

As you may remember, we selected Mueller as one of our villains of the week for his dubious decisions, and once again, Mueller has lived down to our expectations.

Joining us now from Chicago is former federal prosecutor Mark Flessner, who worked with Mr. Wright on the Kadi case. What's FBI trying to hide here, counselor?

MARK FLESSNER, FORMER FEDERAL PROSECUTOR: Well, I can't tell that. I'm not privy to what the reason is that they have suspended Special Agent Al-Hafiz, but clearly, there's something big going on, since they're recalled him for re-op.

O'REILLY: Do you believe that this agent did not wear the wire?

FLESSNER: Do I believe that Special Agent Al-Hafiz did not wear the wire?

O'REILLY: Yes.

FLESSNER: Well, I was involved, of course, as you know that I was the prosecuting investigator, the attorney on the case during the investigation. The lead AUSA, assistant U.S. attorney.

I was working with and working with FBI Agent Robert Wright and about 13 other actual FBI agents.

I was involved in the conversations and in the negotiations with Amal Abdel Al-Hafiz during the time in which we quested him to wire up on the target or one of the targets of the investigation coming out of a company out of New Jersey. And if the question is do I believe it, I was there for it and there are some times when I think about that point

in my life and can't believe it actually happened.

O'REILLY: So Hafiz, the FBI agent, all right? The FBI agent, Hafiz, flat out said I'm not wearing a wire. Now why did he say that?

FLESSNER: Well, let me just give you a little background to the story. He had been approached by – a number of subpoenas had been issued, one to a company, BMI in New Jersey. And an employee of that company contacted Al-Hafiz and asked him what the nature of the investigation was.

We were thrilled when Special Agent Hafiz contacted us and told us that he had been contacted with respect to the nature of the investigation, because we assumed that someone who wanted to know why he was to testify or what the nature of the investigation was is that he wanted to do something other than to tell the truth.

We asked Al-Hafiz to wire up, to go to the meeting, and to record the conversations and find out what the guy wanted to know about the investigation.

There was a number of phone calls, both with Special Agent Hafiz and with his supervisor, and there was a number of correspondences that went back between the special agents in charge in Chicago...

O'REILLY: Bottom line, though?

FLESSNER: Bottom line is, he said, "I do not record another Muslim. That is against my religion."

O'REILLY: Really? And the same thing with Sami Al-Arian in Florida?

FLESSNER: My understanding – I wasn't involved...

O'REILLY: That's what Wright said. That's what Wright was going to tell us until he got pulled.

Now, since you heard it – Since you heard it, you were there, are you surprised the FBI is denying it happened?

FLESSNER: Well, I received a copy of that press release from the FBI last December. They allege that the reason that Special Agent Al-Hafiz refused to cooperate with the investigation – which by the way that's the first time I have ever known an FBI agent to refuse to cooperate with an investigation – they said the reason he refused is because we had requested that he make the recording in a mosque, which was simply not true.

O'REILLY: Yes, that's not true.

So, look, the FBI, according to your testimony and Wright's testimony, is covering this up because this is an embarrassment to them. And Mueller, again, we don't trust him. Flat out don't trust him. And this is another embarrassment for the FBI.

Now, Wright was told that they would fire him if he came on *The Factor*, but they can't fire him now, right?

FLESSNER: Well, what they do with respect to this I don't know. Just in defense of Director Mueller...

O'REILLY: I'm not going to let you defend him because I only have 30 seconds.

He was not director then, but he is director now, Mr. Flessner.

FLESSNER: That's right.

O'REILLY: And he said flat out to Wright one hour ago you go on *The O'Reilly Factor*, you're toast. That's a disgrace.

We appreciate your testimony. Thanks very much.