

Form D3-1. Criminal Referral Letter Concerning Concealment of a UAP Program

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When to use. Committee counsel or a whistleblower's counsel referring possible crimes of concealment to DOJ. **Not for:** Reprisal complaints ([Form C1-2](#)) or matters that rest only on belief.

Deadlines. Five-year limitations period for most offenses (18 U.S.C. §3282); seven years for major fraud (§1031(f)).

[Letterhead]

[Date]

The Honorable [Attorney General]
U.S. Department of Justice
950 Pennsylvania Avenue NW, Washington, DC 20530

cc: Assistant Attorney General, National Security Division; [Inspector General]; [Chair and Ranking Member, relevant committees]

Re: Referral of possible violations of 18 U.S.C. §§1001, 1505, 371, 1031, 1513(e), 1519, and 2071 in connection with a program relating to unidentified anomalous phenomena

Dear Attorney General [Name]:

[The Committee / My client, (description),] refers for investigation the following information indicating possible federal crimes.

1. Summary. Information available to [the Committee / my client] indicates that [identified persons / persons associated with (program or office)] (a) [made false statements to the Committee on (date) during (hearing or committee inquiry)]; (b) [concealed from the congressional defense and intelligence committees a special access program relating to unidentified anomalous phenomena, which by law could not be initiated without notice to those committees, 10 U.S.C. §119(f)]; (c) [destroyed or concealed records required to be preserved under Pub. L. No. 118-31, §1842(a)(2)(A)]; and (d) [took adverse actions against (client/witness) after (he/she/they) provided information about these matters to (IG/FBI/AARO)].

2. Statements to Congress. On [date], [person] testified [under oath] before [committee] that [quote exact words with transcript citation]. [Explain why the statement was false and material, citing unclassified evidence; note classified evidence available.] See 18 U.S.C. §1001(c)(2); *United States v. Bowser*, 964 F.3d 26 (D.C. Cir. 2020).

2A. Reports required by law. [If applicable:] Statements in [a report submitted to Congress under 50 U.S.C. §3373 / (other statute)] dated [date] stated that [quote]. [Explain why the statement was false and material.] A false statement in “a document required by law, rule, or regulation to be submitted to the Congress” is within 18 U.S.C. §1001(c)(1). We ask that the Department identify the persons responsible for preparing and approving the statement.

3. Concealment. [Facts.] Concealment of activities from Congress in violation of reporting and funding statutes may constitute a conspiracy to defraud the United States. 18 U.S.C. §371; *United States v. North*, 708 F. Supp. 375 (D.D.C. 1988). [If a contractor obtained a contract or modification of \$1,000,000 or more through the scheme:] The conduct may also constitute major fraud against the United States, 18 U.S.C. §1031, which carries a seven-year limitations period (§1031(f)).

3A. Knowledge and concealment of these offenses. [If applicable:] [Persons] who knew of these acts took affirmative steps to conceal them, including [facts]. See 18 U.S.C. §4 (misprision of felony).

4. Records. [Facts.] See 18 U.S.C. §§1519, 2071.

5. Retaliation. [Facts, dates, and adverse actions.] See 18 U.S.C. §1513(e); 50 U.S.C. §3373b(b)(2).

6. Limitations. Several of the acts described occurred on or after [date]. [Identify the earliest act potentially outside 18 U.S.C. §3282 and any basis for a later accrual date.] We ask that the Department act promptly in light of the limitations period.

7. Classified information. Supporting classified information is available through [secure channel]. We ask that the Department coordinate with [committee security / the agency security office] to arrange access.

8. Preservation. We ask that the Department take steps to preserve evidence, including by notifying the relevant agencies and contractors of their preservation obligations.

9. Special counsel. [Optional:] Because the conduct described involves [several agencies / former officials of the Department / programs whose existence the Department may itself have been asked to protect], we ask that the Attorney General consider whether investigation by the Department would present a conflict of interest or other extraordinary circumstances, and if so appoint a special counsel. 28 C.F.R. §600.1.

[The Committee / My client] is prepared to provide further information and testimony.

Drafting notes

- **Reports by AARO.** The site's working premise is that AARO is a source of deliberate disinformation (Issue F4 §2A). Paragraph 2A is the vehicle for that premise in a referral, but it must rest on specific statements that can be shown false with evidence, and it should ask the Department to identify responsible persons. Do not name individual AARO officials in an unclassified referral without strong documentary support ([Issue G1](#)).
- **Misprision** requires an affirmative act of concealment; silence alone is not enough.
- **Limitations.** Five years for most offenses (18 U.S.C. §3282); seven for major fraud (§1031(f)). Identify continuing conduct and the most recent overt act.
- **A referral is public once sent to a committee.** Keep it to facts that can be defended in a defamation suit.
- Related: [Issue D3](#), D1, G1; Forms D1-1, C1-2.

Sincerely, [Name]