

Criminal Liability for Concealment of UAP Programs: False Statements, Obstruction, Retaliation, and Limitations

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Premise. Insiders have alleged that officials and contractors concealed UAP programs from Congress, misled investigators and inspectors general, destroyed or hid records, threatened or retaliated against witnesses, and in some accounts harmed people to protect secrecy. This analysis maps those allegations to federal criminal statutes and examines the obstacles: proof, classified evidence, authorization defenses, immunity, and limitations periods.

Key points

- False statements to Congress are reachable when made in a committee investigation or review (§1001(c)(2)) or in a document the law requires to be submitted to Congress (§1001(c)(1)), which includes AARO's statutory reports.
 - Concealing programs to evade reporting or funding statutes can be a conspiracy to defraud the United States (§371; *North*); contractor fraud on large contracts carries a seven-year limitations period (§1031(f)).
 - Records destruction (§§1519, 2071) and retaliation against people who report federal crimes to law enforcement (§1513(e)) are felonies; report to an inspector general or the FBI, since AARO is not a law enforcement agency.
 - The general limitations period is five years; murder and capital war crimes have none, and the Wartime Suspension of Limitations Act applies only to pecuniary fraud.
 - The open hearings with AARO directors in 2023 and 2024 were unsworn, so perjury does not apply; §1001 does.
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1. Summary

Alleged conduct	Principal statutes	Notes
Lying to or concealing from Congress	18 U.S.C. §1001 (as limited by §1001(c)); §1505 (obstruction	§1001(c)(1) reaches any “document required by law ...

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	of congressional inquiry); §1621 (perjury)	to be submitted to the Congress,” including AARO’s statutory reports; §1001(c)(2) reaches statements in “any investigation or review, conducted pursuant to the authority of any committee”; <i>United States v. Bowser</i> , 964 F.3d 26 (D.C. Cir. 2020); <i>United States v. Stone</i> , 394 F. Supp. 3d 1 (D.D.C. 2019)
Defrauding the United States in a large contract	18 U.S.C. §1031 (major fraud, contracts of \$1 million or more)	Seven-year limitations period (§1031(f))
Knowing of a felony and concealing it	18 U.S.C. §4 (misprision)	Requires an affirmative act of concealment, not mere silence
Lying to investigators, IGs, AARO	§1001(a); §1505 (agency proceedings); §1519 (falsifying records in federal investigations)	AARO inquiries and IG investigations are within executive jurisdiction
Concealing programs to evade funding or reporting laws	§371 (conspiracy to defraud the United States)	<i>United States v. North</i> , 708 F. Supp. 375 (D.D.C. 1988) (Boland Amendments)
Destroying or hiding records	§2071; §1519; §1512(c); FY2024 NDAA §1842(a)(2)(A) (UAP records may not be destroyed)	§1519 carries 20 years
Retaliating against or intimidating witnesses	§1512(b) (witness tampering); §1513(e) (retaliation, including interference with lawful employment, for providing truthful information to law enforcement about a federal offense); §241	§1513(e) is a felony reaching employment retaliation
Spending in violation of funding limits	Antideficiency Act criminal provisions, 31 U.S.C. §§1350,	Rarely prosecuted

Alleged conduct	Principal statutes	Notes
	1519 (knowing and willful)	
Harm to persons, including killing	18 U.S.C. §§1111-1112 (special maritime and territorial jurisdiction), §1114 (officers and employees), §1119 (U.S. nationals abroad), state homicide law	No limitations period for murder (18 U.S.C. §3281; state law)
Unlawful detention or torture	§2340A (torture outside U.S.), state and federal kidnapping statutes, war crimes (§2441)	“Person” element and NHI status are open questions (Issue F2)
Prosecution faces practical barriers: classified evidence (CIPA), possible public-authority defenses (Issue A2), immunity granted to witnesses (Issue B3), and the five-year general limitations period for most non-capital offenses.		

2. False statements to Congress

- **§1001(c).** For the legislative branch, §1001 applies only to (1) administrative matters such as claims and procurement, and (2) “any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.” Testimony at committee oversight hearings on UAP (2022-2025) and statements to committee staff in authorized inquiries fall within (c)(2).
- **Cases.** *Bowser* (D.C. Cir. 2020): a congressional chief of staff’s statements to the Office of Congressional Ethics supported §1001 convictions; the court addressed which congressional bodies qualify and held the false-statement question justiciable. *Stone* (D.D.C. 2019): false testimony to the House intelligence committee supported counts for false statements and obstruction; congressional referral was not required. *Poindexter*, 951 F.2d 369 (D.C. Cir. 1991): §1505 obstruction of congressional inquiry (conviction reversed on *Kastigar* grounds).
- **Application.** Officials who testified that no UAP programs existed, or who denied knowledge in briefings, face exposure if their statements were knowingly false and material. For statements to Congress other than administrative filings, §1001(c)(2) reaches only “any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.” The D.C. Circuit reads that limit strictly. In *United States v. Pickett*, 353 F.3d 62 (D.C. Cir. 2004), it dismissed an indictment because the false statement was not made in an existing investigation or review; a statement made concurrently with an investigation, or one that itself triggered an inquiry, was not enough. In *United States v.*

Bowser, 964 F.3d 26, 32-33 (D.C. Cir. 2020), it held that the clause covers voluntary inquiries by an office of Congress (there, the Office of Congressional Ethics) when the witness has fair notice of the duty to disclose. No reported decision has addressed a classified briefing to the Gang of Eight or to committee leadership. A briefing given at a committee's request in the course of its oversight of a program should qualify; an informal or courtesy briefing initiated by the agency, with no committee inquiry under way, is open to a *Pickett* challenge. Sworn testimony at a hearing is also covered by the general perjury statute (18 U.S.C. §1621) and by §1505; §1623 does not apply because it is limited to court and grand jury proceedings.

Reports required by statute. Statements to Congress need not be made in a hearing to be covered. Section 1001(c)(1) applies to “a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch.” AARO's annual and historical-record reports are required by 50 U.S.C. §3373, so a knowingly false and material statement in one of them is within §1001 without any committee investigation under way, and the *Pickett* problem does not arise. On the site's working premise that AARO is a deliberate disinformation source, this is the most direct criminal theory against the office's conduct. The obstacles are proof of knowledge (the author of a report must have known the statement was false when made) and materiality, which is a question for the jury. *United States v. Gaudin*, 515 U.S. 506 (1995). Any referral should identify the specific sentence, the statute that required the report, and the evidence that its author knew otherwise, and should avoid naming individuals in public until that evidence exists ([Issue G1](#)).

The public record of what officials have told Congress is collected in the [statements chronology](#). In the open hearings reviewed, the 2022 witnesses (Moultrie and Bray) and the AARO directors in 2023 and 2024 (Kirkpatrick and Kosloski) were not sworn, and the 2022 statements were limited to the witnesses' awareness and to “official programs that we have on the record” (HPSCI subcommittee hearing, May 17, 2022, Tr. 36). Grusch testified under oath on July 26, 2023, but to what others had told him. Any false-statement theory would therefore rest on §1001(c)(2) and on proof of a witness's personal knowledge at the time.

3. Conspiracy to defraud the United States

Section 371's defraud clause reaches conspiracies to “interfere with or obstruct one of its lawful governmental functions by deceit, craft or trickery, or at least by means that are dishonest.” *Hammerschmidt v. United States*, 265 U.S. 182, 188 (1924). In *North*, Judge Gesell held that concealment of activities inconsistent with the Boland Amendments could support a §371 charge, rejecting political-question and constitutional objections because the case turned on “what [the President] did and authorized or did not authorize.” A conspiracy to conceal UAP programs from Congress in violation of 10 U.S.C. §119, 50 U.S.C. §3091, or FY2024 §1687 fits the same theory. The Supreme Court's recent narrowing of the property-based fraud statutes (*Ciminelli v. United States*, 598 U.S. 306 (2023); *Percoco v. United States*, 598 U.S. 319 (2023)) does not reach §371's defraud clause, which protects the government's lawful functions and requires no loss of money or property (*Hammerschmidt*). Where the theory does involve money, *Kousisis v. United States*, 605 U.S. 114 (2025), holds that fraudulent inducement is enough for wire fraud even without intent to cause economic loss.

Major fraud. A contractor that obtained or performed a contract of \$1 million or more by a scheme to defraud the United States, or by materially false statements, commits major fraud, with a fine of up to \$1 million per count and a seven-year limitations period (18 U.S.C. §1031(a), (f)). The longer period matters for program conduct that ended more than five years ago.

Misprision. A person who knows of a federal felony and “conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority” commits misprision (18 U.S.C. §4). Courts require an affirmative act of concealment, such as false statements or destruction of records, beyond silence. A program participant who helped hide evidence of a homicide or other felony faces this charge even without having taken part in the underlying crime.

4. Records offenses

- 18 U.S.C. §2071 (willful concealment, removal, or destruction of federal records; disqualification from office on conviction for custodians).
- 18 U.S.C. §1519 (destruction or falsification of records with intent to impede a federal investigation or matter, including in contemplation of one; 20 years). *Yates v. United States*, 574 U.S. 528 (2015), limits “tangible object” to items used to record or preserve information.
- 18 U.S.C. §1512(c)(1) (corruptly destroying records to impair their availability in an official proceeding). *Fischer v. United States*, 603 U.S. 480 (2024), confines §1512(c)(2) to impairment of the availability or integrity of evidence.
- FY2024 NDAA §1842(a)(2)(A) (UAP records “shall not be destroyed, altered, or mutilated in any way”); not itself a criminal provision, but establishes the duty and supports §2071 and §1519 theories.

5. Retaliation and intimidation

- **§1513(e):** “Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense” is subject to up to ten years. An official who retaliates against a UAP whistleblower who reported possible federal crimes to an IG or the FBI may fall within it. Section 1515(a)(4) defines “law enforcement officer” as a federal officer or employee, or a person acting for or advising the government, “authorized under law to engage in or supervise the prevention, detection, investigation, or prosecution of an offense.” FBI agents and IG criminal investigators qualify. AARO’s statutory mission is to investigate and report on UAP, and it is not a law enforcement agency, so a report made only to AARO is a weaker fit; a whistleblower who wants §1513(e) protection should also report the suspected offense to an IG or the FBI.
- **§1512(b):** intimidation or corrupt persuasion to prevent testimony or communication with law enforcement.
- **Threats and violence:** insiders have described threats; 18 U.S.C. §§875, 115, 241 may apply. A former director of the Navy’s UAP Task Force reports that witnesses were told “they could vanish or see their families harmed if they spoke” and that the Atomic Energy Act “could be

used to sentence them to death” (Jay Stratton, *Out of the Shadows* ch. 36 (2026)). The Act’s death penalty was repealed in 1969 ([Issue C3](#)). A threat made to prevent a person from communicating with law enforcement or testifying is witness tampering under §1512(b) whatever its legal premise.

6. Harm to persons

Allegations that people were killed or injured to protect secrecy would be investigated under federal law where there is federal jurisdiction (federal enclaves, federal officers as victims, U.S. nationals abroad) and otherwise under state law. Murder has no limitations period. These allegations, if supported by evidence, are the strongest reason to exclude grave conduct from any immunity or truth-commission scheme ([Issue B3](#)).

7. Limitations

- **General rule:** five years for non-capital federal offenses (18 U.S.C. §3282(a)).
- **Conspiracy:** runs from the last overt act in furtherance; a continuing concealment conspiracy may extend the period, but acts of concealment after the main objectives are achieved do not extend it (*Grunewald v. United States*, 353 U.S. 391 (1957)).
- **Wartime Suspension of Limitations Act**, 18 U.S.C. §3287: when the United States is at war or Congress has authorized the use of military force, the limitations period for offenses involving fraud against the United States (and certain property and contract offenses) is suspended until five years after the termination of hostilities. *Kellogg Brown & Root Services, Inc. v. United States ex rel. Carter*, 575 U.S. 650 (2015), held it applies only to criminal offenses. Since 2008 the statute is triggered by a specific congressional authorization for the use of the Armed Forces, and the suspension ends only on a presidential proclamation, with notice to Congress, or a concurrent resolution of Congress. The circuits that have addressed the question hold that the 2001 and 2002 AUMFs triggered the suspension and that it has not been formally terminated, and they have applied it to conspiracies to defraud the United States under §371. *United States v. Pfluger*, 685 F.3d 481 (5th Cir. 2012); *United States v. Meléndez-González*, 892 F.3d 9 (1st Cir. 2018) (wire fraud, embezzlement, and §371 defraud conspiracy). *United States v. Wellington*, 2022 WL 3345759 (D.N.M. Aug. 12, 2022), granted a WSLA-based motion to dismiss in part and should be read for the limits courts place on the “fraud against the United States” element. The suspension has a significant limit for UAP theories. It applies “only where the fraud is of a pecuniary nature or at least of a nature concerning property,” and only to offenses in which defrauding the United States is an essential ingredient. *Bridges v. United States*, 346 U.S. 209, 215-16 (1953). A §371 conspiracy to impair Congress’s oversight function, without more, is probably outside the statute; a theory built on diversion or misuse of appropriated funds for an unreported program fits it better. Counsel should also confirm whether any AUMF has since been repealed or hostilities formally terminated.
- **Capital offenses:** no limitation (§3281).

8. Who would investigate and prosecute

The Department of Justice controls federal charging; its National Security Division and Public Integrity Section would be involved in any case touching classified programs or false statements to Congress. If the Attorney General determines that a criminal investigation is warranted and that investigation by the Department “would present a conflict of interest for the Department or other extraordinary circumstances,” and that a special counsel is in the public interest, the regulations provide for appointing one (28 C.F.R. §600.1). A concealment program run across several agencies, with former Department officials possibly involved, is the kind of case for which committees have asked for a special counsel. Homicide and other state crimes can be prosecuted by state authorities regardless of federal action.

9. Barriers to prosecution

- Classified evidence and CIPA; graymail ([Issue A1](#)).
- Public-authority and reliance defenses ([Issue A2](#)).
- Immunity granted to witnesses in congressional or commission proceedings ([Issue B3](#)).
- Presidential pardons.
- Prosecutorial discretion; the Department of Justice controls charging.

10. Practice points

- **For whistleblowers and their counsel:** document allegations of false statements to Congress and retaliation; report to IGs, the FBI, and committees through proper channels; note limitations periods.
- **For counsel to officials and contractors:** assess exposure for testimony and briefings given since 2021; consider corrective statements (recantation may be a defense to perjury under §1623(d) in some proceedings); preserve records; evaluate immunity strategy before testimony.
- **For committee counsel:** take testimony under oath; build records of what was represented to Congress and when; make criminal referrals with specificity.