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To: United States Department of Justice, Office of the Attorney General; Federal Bureau of Investigation, Office of the Director

From: Mike Howell, The Oversight Project

Date: June 26, 2025

Subject: Criminal Referral for Former Federal Bureau of Investigation (“FBI”) Director Christopher A. Wray for Violations of 18 U.S.C. §§ 1001(a)(2), (c)(2), 1505, 1515(b), and 1621(1)

Introduction:

This referral requests the Department of Justice investigate and, if warranted, prosecute former Federal Bureau of Investigation (“FBI”) Director Christopher A. Wray for probable criminal violations arising from false and misleading testimony provided to Congress on September 24, 2020¹, March 2, 2021², July 12, 2023³, and December 5, 2023.⁴

Specifically, Wray is alleged to have knowingly and willfully provided false statements to include: (1) “we have not seen historically any kind of coordinated national voter fraud effort in a major election” despite likely knowledge of 20,000 scannable false drivers licenses made by the Chinese being intercepted by U.S. Customs and Border Protection (“CBP”) purportedly part of an election interference conspiracy and; (2) facts relevant to the FBI handling of an FBI intelligence memorandum targeting Catholic Americans, all in violation of 18 U.S.C. § 1505 (Obstruction of Congressional Proceedings); 18 U.S.C. § 1515(b) (Definition of Obstructive Conduct); 18 U.S.C. § 1001(a)(2), (c)(2) (False Statements); and 18 U.S.C. § 1621(1) (Perjury).

On June 24, 2025, Director Kash Patel posted on X stating: “Former FBI leadership withheld the facts and misled the public on China’s 2020 election interference. And they did so for political gain. This FBI is exposing all of it and giving Americans the truth they deserve.” Director Patel also tweeted: “In 2020, facts about CCP election interference were buried by FBI leadership for political convenience. Thanks to relentless oversight from @ChuckGrassley and

¹ See <https://www.youtube.com/watch?app=desktop&v=0irbM9Ziv5E>.

² See <https://www.judiciary.senate.gov/committee-activity/hearings/oversight-of-the-federal-bureau-of-investigation-the-january-6-insurrection-domestic-terrorism-and-other-threats>.

³ See <https://judiciary.house.gov/committee-activity/hearings/oversight-federal-bureau-investigation-0>.

⁴ See <https://www.judiciary.senate.gov/committee-activity/hearings/12/05/2023/oversight-of-the-federal-bureau-of-investigation>.

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

the hard work of our FBI team, the truth is finally coming to light. We're restoring trust—through transparency, not politics.”⁵

In a joint statement, Director Patel and Deputy Director Bongino stated: “Based on our continued review and production of FBI documents related to the CCP's plot to interfere in the 2020 U.S. Presidential election, previous FBI leadership chose to play politics and withhold key information from the American people – exposing the weaponization of law enforcement for political purposes during the height of the 2020 election season.”⁶

Factual Allegations:

1. False Denial of Knowledge of Chinese Election Interference Conspiracy:

- On September 24, 2020, during a hearing before the Senate Homeland Security & Governmental Affairs Committee, Wray testified that the FBI had not seen any kind of coordinated national voter fraud in a major election stating the following:

Wray: Well Senator, I think what I would say is this, we take all election related threats seriously whether it's voter fraud voter suppression whether it's in person whether it's by mail and our role is to investigate the threat actors now *we have not seen historically any kind of coordinated national voter fraud effort in a major election* whether it's by mail or otherwise, we have seen voter fraud at the local level from time to time and so my comment should in no way be construed as minimizing how seriously we take our responsibility to investigate such incidents or the potential impact those things could have at the local level so it's on our radar certainly to change a federal election outcome by mounting that kind of fraud at scale would be a major challenge for an adversary but people should make no mistake we're vigilant as to the threat and watching it carefully because we're in an uncharted new territory and uh I think as far as risk assessments of any particular state's processes or systems I would defer to uh to Mr. Cuccinelli and DHS because that's really more in their lane right.

⁵ See <https://x.com/FBIDirectorKash/status/1937700634716680422>;
<https://x.com/FBIDirectorKash/status/1937676565904515127>.

⁶ See <https://www.dailymail.co.uk/news/article-14844427/Kash-Patel-proof-former-FBI-China-interfered-2020-election.html?ico=comment-anchor>.

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

Sen. Peters: But your answer is clear you've not seen any widespread fraud by mail and it's something the FBI watches continuously to make sure that that's not happening?

Wray: So that's something we would investigate seriously aggressively.⁷

- On March 2, 2021, Wray testified before the Senate Judiciary Committee, stating, “We are not aware of any widespread evidence of voter fraud, much less that would have affected the outcome in the Presidential election.”⁸ This was in response to questions about claims of election fraud.
- On June 16, 2025, FBI Director Kash Patel turned over to Congress an FBI intelligence report, dated August 2020, raising concerns that China had mass-produced fake U.S. driver's licenses to carry out a scheme to hijack the 2020 election with fake mail-in ballots for Democrat Candidate Joseph Biden.⁹ Officials who have seen the intelligence report reportedly claimed the FBI had a relatively new confidential source who provided information in summer 2020 that the Chinese government was manufacturing and exporting fake U.S. driver's licenses as part of a plot to create voter identities for Chinese residents living in the United States so they could vote with fake mail-in ballots.¹⁰ On August 5, 2020, Customs and Border Protection Chicago publicly posted about the seizure of 20,000 counterfeit drivers licenses:

⁷ *Id.*

⁸ See <https://www.congress.gov/event/117th-congress/senate-event/LC73624/text>.

⁹ See <https://justthenews.com/accountability/political-ethics/fbi-gives-congress-intel-alleged-chinese-plot-create-fake-mail>.

¹⁰ *Id.*

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT



- The August 2020 intelligence report was captioned: “Chinese Government Production and Export of Fraudulent US Driver's Licenses to Chinese Sympathizers in the United States, in Order to Create Tens of Thousands of Fraudulent Mail-in Votes for US Presidential Candidate Joe Biden.”¹¹
- According to the intelligence report, “[i]n late August 2020, the Chinese government had produced a large amount of fraudulent United States driver’s licenses that were secretly exported to the United States.” The report also stated: “The fraudulent driver’s licenses would allow tens of thousands of Chinese students and immigrants sympathetic to the Chinese Communist Party to vote for U.S. presidential candidate USPER Joe Biden despite not being eligible to vote in the United States.”
- “China had collected private US user data from millions of TikTok accounts, to include name, ID and address, which would allow the Chinese government to use real US persons' information to create the fraudulent driver’s license,” the report continues. “The fraudulent driver’s licenses were to include the true ID number and true address of US citizens, making them difficult to detect. China planned to use the fraudulent driver’s

¹¹ See <https://justthenews.com/government/security/patel-bongino-say-prior-fbi-leaders-hid-evidence-chinese-interference-2020>.

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

licenses to account for tens of thousands of mail-in votes.”

- On June 24, 2025, FBI Director Kash Patel and Deputy Director Dan Bongino issued a joint statement: “Based on our continued review and production of FBI documents related to the CCP’s plot to interfere in the 2020 U.S. Presidential election, previous FBI leadership chose to play politics and withhold key information from the American people – exposing the weaponization of law enforcement for political purposes during the height of the 2020 election season.”¹²
- On October 22, 2019, Nikki L. Floris, then Deputy Assistant Director for Counterterrorism at the FBI, testified before the House Judiciary Committee on election security. She discussed foreign influence operations, particularly highlighting concerns about China and Russia’s efforts to disrupt U.S. elections. She noted, “[m]ake no mistake, China is aggressively pursuing foreign influence operations,” emphasizing the FBI’s focus on countering these threats ahead of the 2020 election.¹³
- As Deputy Assistant Director in the Counterintelligence Division, Floris served as the FBI’s election security lead for the 2020 presidential elections.¹⁴ In this position, Floris routinely, if not daily, briefed FBI Director Christopher Wray on threats to the integrity of the 2020 election.¹⁵

¹² See <https://www.dailymail.co.uk/news/article-14844427/Kash-Patel-proof-former-FBI-China-interfered-2020-election.html>.

¹³ See

<https://www.courthousenews.com/ukraine-scandal-hangs-over-house-hearing-on-election-threats/nikki-floris-adam-hickey/>](<https://www.stripes.com/threat-to-us-elections-not-limited-to-russia-in-2020-1.605179>).

¹⁴ See

<https://www.fbi.gov/news/press-releases/nikki-l-floris-named-intelligence-analyst-in-charge-of-the-intelligence-division-of-the-washington-field-office>)](<https://www.fbi.gov/news/press-releases/press-releases/nikki-l-floris-named-intelligence-analyst-in-charge-of-the-intelligence-division-of-the-washington-field-office>). **Note:** During the exact time period Nikki Floris served as the FBI’s lead election security official, the FBI Foreign Influence Task Force, which was under her authority, falsely labeled any and all FBI human source information and evidence of the Biden family’s receipt of tens of millions from foreign adversarial countries as “Russian disinformation”.

¹⁵ Floris states on her LinkedIn Page that in her role as Deputy Assistant Director for the FBI’s Counterintelligence Program that she: “Selected for and oversaw all intelligence and strategic functions for the FBI’s Counterintelligence Program, including the FBI’s Foreign Influence Task Force. Led a 300-person workforce tasked with identifying and assessing current and emerging national security threats, including threats to critical infrastructure. Selected by the

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

- Senator Chuck Grassley, who is credited with alerting FBI Director Kash Patel to the existence of the 2020 Chinese election interference report and the reported FBI efforts to remove it from FBI systems, asked Patel to provide all records relating to the re-interview and produce “all communications between and among agents and intelligence analysts.”¹⁶ Senator Grassley specifically sought communication records among intelligence analyst Jordan Siri, supervisory special agent Charles Keller, and intelligence analyst in charge of the Washington Field Office Nikki Floris. The specificity of the Grassley request indicates that Grassley likely already knows the contents of the communications he seeks.
- These facts demonstrate that Floris was aware of the Chinese election integrity threat not only in 2019 but also the Chinese false identification threat in 2020. As is the case, FBI Director Wray had to have also known of the Chinese election integrity threat.

Other Evidence Of Wray's Personal Awareness of China Election Threat:

- In July 2020, Wray stated that China engages in a “highly sophisticated malign foreign influence campaign” targeting U.S. policies and public discourse continuously, not limited to election cycles. He noted, “China’s malign foreign influence campaign targets our policies, our positions, 24/7, 365 days a year. So it’s not an election-specific threat; it’s really more of an all-year, all-the-time threat. But certainly that has implications for elections and they certainly have preferences that go along with that.” He suggested China pushes its preferences for election outcomes through covert efforts like bribery, blackmail, and pressure on officials, though he did not specify candidates or parties favored in 2020.¹⁷
- During a hearing on Chinese cybersecurity threats, Wray was asked about Chinese President Xi Jinping’s assurance to President Joe Biden in November 2023 that China would not interfere in the 2024 U.S. election. Wray expressed skepticism, saying, “China’s promised a lot of things over the years, so I’ll guess I’ll believe it when I see it.”

FBI Director to serve as the FBI's Election Security Lead for the 2020 US presidential election.” See <https://www.linkedin.com/in/nikki-floris-4891a2340/details/experience/>.

¹⁶ See <https://www.foxnews.com/politics/alleged-chinese-scheme-influence-2020-election-biden-being-probed-fbi-senate-judiciary-committee>.

¹⁷ See

<https://amp.theguardian.com/us-news/2020/jul/07/china-christopher-wray-operation-fox-hunt>;

<https://www.dailymail.co.uk/news/article-8498981/FBI-chief-says-China-preferences-US-election.html>.

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

While the hearing focused on cyber threats to critical infrastructure, his comment indicated doubt about China's commitment to non-interference in elections.¹⁸

- Ultimately, Wray was the FBI Director. He was briefed constantly by Floris on this specific topic, and he was certainly aware this topic was a matter of burning national interest and would be raised in any oversight hearing.

2. Testimony on Anti-Catholic FBI Intelligence Memo—July 12, 2023¹⁹ & December 5, 2023²⁰:

- On July 12, 2023 Wray testified before the House Judiciary committee regarding FBI intelligence activities. When questioned about an FBI intelligence memorandum targeting Catholic Americans as potential domestic threats, Wray falsely stated, “Well, what I can tell you is you're referring to the Richmond product which is a single product by a single field office which as soon as I found out about it I was aghast and ordered it withdrawn and removed from FBI systems.”
- On December 5, 2023, Wray falsely testified at a hearing before the Senate Judiciary Committee, “This notion that the other field offices were involved is a garble and let me explain why I say that. The only involvement of the two other field offices was the Richmond authors of the product included two sentences or thereabouts references each of these other office's cases.”²¹
- According to United States Senator Chuck Grassley: “There wasn't just one FBI document that used biased anti-Catholic sources, but over a dozen.”²² Senator Grassley further found that the FBI's anti-Catholic Richmond Memo was widely distributed to over 1,000 FBI employees across the country before it was publicly disclosed by a

¹⁸ See <https://www.cnn.com/2024/01/31/politics/china-hacking-infrascture-fbi-director-christopher-wray/index.html>; <https://www.cnn.com/2024/01/31/politics/china-hacking-infrascture-fbi-director-christopher-wray>; <https://amp.cnn.com/cnn/2024/02/01/politics/wray-china-hacking-analysis>.

¹⁹ See <https://m.youtube.com/watch?v=ExSxmGdhfeU&t=6114s&pp=2AHiL5ACAdIHCQn9AKO1ajebQw%3D%3D>.

²⁰ See <https://www.c-span.org/program/public-affairs-event/fbi-director-christopher-wray-testifies-at-oversight-hearing-part-1/635598>.

²¹ See <https://www.judiciary.senate.gov/committee-activity/hearings/12/05/2023/oversight-of-the-federal-bureau-of-investigation>.

²² See <https://www.grassley.senate.gov/news/remarks/grassley-president-biden-will-have-to-answer-to-history-for-what-happened-the-last-four-years>. (emphasis added).

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

whistleblower in 2023.²³

- Director Wray's testimony was inaccurate not only because it failed to reveal the scope of the memo's production and dissemination, but also because it failed to reveal the existence of a second, draft product on the same topic intended for external distribution to the whole FBI. That draft product was intended for distribution as a Strategic Perspective Executive Analytic Report ("SPEAR"). It was clearly a separate product, since it involved a different planned distribution to the whole Bureau, and a different chain of review through the Counterterrorism Division. It also contained different content from the internal Domain Perspective, notably deleting references to the Southern Poverty Law Center. Nevertheless, this draft external memo repeated the unfounded link between traditional Catholicism and violent extremism that was present in the internal Domain Perspective. It concluded that, "RMVE [racially and ethnically-motivated violent extremism] in RTCs ["radical-traditional Catholicism"] is likely to increase" This shows once again that Director Wray's claim that the Richmond analysts produced a "single product" was false.
- Furthermore, a query of Sentinel (the FBI's case management system) identified 13 documents and 5 attachments that included the term, "radical traditionalist catholic" or "Radical-Traditionalist Catholic" in the FBI systems. The Intelligence Memo itself states on page 24 of the PDF - "(U) Prepared by the Richmond Division and the Domestic Terrorism Operations Unit; *coordinated with FBI Milwaukee and FBI Portland Divisions.*"²⁴

Legal Violations:

Based on the above allegations, the facts and circumstances indicate that there is a reasonable basis to believe Wray's conduct constitutes the following criminal violations:

1. 18 U.S.C. § 1505 – Obstruction of Proceedings Before Congress

²³ See <https://www.judiciary.senate.gov/press/rep/releases/grassley-oversight-unveils-disturbing-extent-of-fbis-anti-catholic-bias>,

²⁴ See https://www.grassley.senate.gov/imo/media/doc/grassley_to_fbi_-_richmond_memo_productions.pdf.

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

- Elements: Whoever corruptly, or by threats or force, obstructs or impedes the due and proper exercise of the power of inquiry by any committee of Congress, or any joint committee, shall be fined or imprisoned not more than 5 years, or both.
- Violation: There is articulable factual basis to believe Wray's statements on September 24, 2020, July 12, 2023, and December 5, 2023 were false and corruptly impeded Congressional oversight of FBI operations. By concealing material facts, Wray obstructed Congress's ability to investigate national security threats and civil liberties concerns, violating § 1505.
- Application: The testimony was given during formal Congressional inquiries, directly affecting the committees' ability to assess FBI performance and policy, meeting the threshold for corrupt intent under § 1515(b).

2. 18 U.S.C. § 1515(b) – Definition of Obstructive Conduct

- Elements: Defines “corruptly” for § 1505 as acting with an improper purpose, including “knowingly making a false statement” to influence, obstruct, or impede a Congressional inquiry.
- Violation: There is articulable factual basis to believe Wray's statements on September 24, 2020, July 12, 2023, and December 5, 2023 were intended to knowingly and falsely mislead Congress.
- Application: There are articulable factual basis to believe Wray's denials and misrepresentations were false, knowing, and deliberate based on the aforementioned known awareness, and intended to mislead Congress, fitting the definition of corrupt conduct under § 1515(b), which supports the § 1505 charge.

3. 18 U.S.C. § 1001(a)(2), (c)(2) – False Statements

- Elements: Whoever, in any matter within the jurisdiction of the legislative branch, knowingly or willfully makes any materially false, fictitious, or statement or representation shall be fined or imprisoned not more than 5 years, or both
- Violation: There is an articulable factual basis to believe Wray's testimony constituted materially false statements within Congress's jurisdiction. These statements were made in matters involving national security and civil liberties oversight, which fall under Congress's administrative oversight authority, making § 1001 applicable. Wray's false statements were willful, as evidence suggests he was aware of the underlying facts.

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

- Application: The statements were material, as they misled Congress on critical FBI activities, affecting oversight and policy reforms. The legislative function exception in § 1001(c)(2) does not apply, as the testimony involved administrative matters (FBI operations and intelligence activities).

4. 18 U.S.C. § 1621(1) – Perjury

- Elements: Whoever, having taken an oath before a competent tribunal, in any case in which a law authorizes such an oath, to testify truly, willfully makes a false statement material to the proceeding which he knows to be false, shall be fined, or imprisoned not more than 5 years, or both.
- Violation: Wray testified before Congressional committees on September 24, 2020, July 12, 2023, and December 5, 2023. There is articulable factual basis to believe Wray made false, willful, and material statements, as they directly impacted Congress's ability to investigate FBI conduct. Wray knew the statements were false, as internal FBI records and briefings confirm he was informed of both matters.
- Application: The Congressional hearings were competent tribunals, and the false statements were material to the oversight inquiries, satisfying § 1621(1).

Suggested Evidence Supporting Referral:

- CBP and FBI Records: Interagency communications and CBP seizure reports confirm the FBI was aware of fake Chinese driver's licenses, contradicting Wray's testimony on September 24, 2020.
- Whistleblower Disclosures: FBI internal documents and whistleblower accounts verify the existence of the anti-Catholic intelligence memo and Wray's knowledge, contradicting his testimony on the unspecified date.
- Congressional Transcripts: Official transcripts of Wray's testimony on September 24, 2020, March 2, 2021, July 12, 2023, and December 5, 2023 document his false denials.
- Subsequent Congressional Inquiries: Committee letters and reports highlight discrepancies in Wray's testimony, supporting allegations of falsehoods.²⁵

²⁵ *Id.*

OVERSIGHT PROJECT

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Request for Action:

The Oversight Project respectfully requests the Department of Justice:

- Investigate the allegations against Christopher A. Wray for violations of 18 U.S.C. §§ 1505, 1515(b), 1001(a)(2), (c)(2), and 1621(1).
- 2. Subpoena relevant FBI and CBP records to corroborate the evidence.
- 3. Prosecute Wray if the investigation confirms willful violations, ensuring accountability for obstructing Congress and undermining public trust.

Conclusion:

Christopher A. Wray's alleged false testimony before Congress constitutes serious violations of Federal law, undermining Congressional oversight and public trust in the FBI. This referral urges prompt action to uphold the rule of law.