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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 8, 2026

VIA ELECTRONIC TRANSMISSION

The Honorable Pam Bondi
Attorney General
Department of Justice

The Honorable Kash Patel
Director
Federal Bureau of Investigation

Dear Attorney General Bondi and Director Patel:

In July 2022, I began my congressional investigation into Arctic Frost.¹ Since then, Chairman Ron Johnson and I have made whistleblower records public that have exposed how partisan FBI agents and Department of Justice (DOJ) prosecutors opened, approved, and advanced the investigation against President Trump and expanded its scope to other Republican groups and individuals. We've also released records showing that anti-Trump former FBI Assistant Special Agent in Charge (ASAC) Timothy Thibault essentially opened and approved his own investigation in violation of FBI policy.²

In response to our document requests, your agencies produced a document that shows that edits were made to an early version of a draft Arctic Frost opening document. This document has several handwritten edits, including the crossing out of the initial name of the investigation, "Hyperbolic Frost," and renaming it "Arctic Frost."

This newly released DOJ document calls into question the accuracy of the testimony former FBI Director James Comey provided to me during a May 3, 2017, Senate Judiciary

¹ Letter from Senator Charles E. Grassley, Ranking Member, Committee on the Judiciary to Attorney General Merrick Garland, Department of Justice and Director Christopher Wray, Federal Bureau of Investigation, (Jul. 18, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_dept_fbi_-_political_bias.pdf.

² Press Release, *Grassley, Johnson Make Public Whistleblower Records Revealing DOJ and FBI Plot to Pin Trump in Jack Smith Elector Case*, (Jan. 30, 2025), <https://www.judiciary.senate.gov/press/rep/releases/grassley-johnson-make-public-whistleblower-records-revealing-doj-and-fbi-plot-to-pin-trump-in-jack-smith-elector-case>; Prepared Floor Statement, *Grassley Underscores FBI Supervisor Misconduct in Trump-Targeted Arctic Frost Investigation*, (Feb. 3, 2025) <https://www.judiciary.senate.gov/press/rep/releases/grassley-underscores-fbi-supervisor-misconduct-in-trump-targeted-arctic-frost-investigation>.

Committee FBI oversight hearing.³ At this hearing, I asked “Was the Clinton investigation named Operation Midyear because it needed to be finished before the Democratic National Convention? If so, why the artificial deadline? If not, why was that the name?”⁴ Then-Director Comey responded:

Certainly not because it had to be finished by a particular date. There’s an art and a science to how we come up with codenames for cases. They assure me it’s done randomly. Sometimes I see ones that make me smile, so I’m not sure. But I can assure you that it was called Midyear Exam, was the name of the case. I can assure you the name was not selected for any nefarious purpose or because of any timing on the investigation.⁵

Yet, the renaming of the Trump investigation from “Hyperbolic Frost” to “Arctic Frost” via handwritten notes is clearly anything but random.

Please produce all records relating to the naming of Operation Midyear Exam including former Director Comey’s emails.

Thank you for your prompt review and responses. If you have any questions, please contact my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

³ Senate Judiciary Committee, *Oversight of the Federal Bureau of Investigation*, (May 3, 2017) <https://www.judiciary.senate.gov/committee-activity/hearings/05/03/2017/oversight-of-the-federal-bureau-of-investigation>.

⁴ *Id.*

⁵ *Id.*

From: [REDACTED]
Subject: Re: Code Name Assistance --- UNCLASSIFIED
To: [REDACTED]
Cc: [REDACTED]
Sent: March 1, 2022 11:21 AM (UTC-05:00)
Is Arctic Frost available instead of Hyperbolic Frost? Thank you.

From: [REDACTED] DI) (FBI)
Sent: Tuesday, February 22, 2022 2:57:42 PM
To: [REDACTED] (WF) (FBI)
Cc: [REDACTED] (WF) (FBI)
Subject: [REDACTED] assistance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

Yes, it's available.

From: [REDACTED] WF) (FBI) [REDACTED]
Sent: Tuesday, February 22, 2022 2:46 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

Is Hyperbolic Frost taken? Thank you for your help.

From: [REDACTED] DI) (FBI)
Sent: Tuesday, February 22, 2022 2:27:48 PM
To: [REDACTED]
Cc: [REDACTED] (WF) (FBI)
Subject: RE: Code Name Assistance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

TRANSITORY RECORD

	DESOLATED ZINC
	EXPLORING SANDPAPER
	FROSTY CLAP
	INTREPID REFILL
	LAUREATE HYPERBOLE
	OBLITERATING BUDGE
	PERPLEXED COMMODORE
	RIPPLED RIBBON
	ZIGZAG INTERVIEWER

From: [REDACTED] WF) (FBI) [REDACTED]
Sent: Tuesday, February 22, 2022 1:51 PM
To: [REDACTED]

Cc: [REDACTED] (WF) (FBI)

Subject: Code Name Assistance

Good afternoon,

Would you be able to provide a list of code names which could be used for a new case? Thank you.

[REDACTED]

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Classification: UNCLASSIFIED

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FEDERAL BUREAU OF INVESTIGATION

Electronic Communication

Title: (U//FOUO) Requests Opening of New Investigation - Hyperbolic Frost

Date: 02/23/2022

From: WASHINGTON FIELD

WF- [redacted]

Contact: [redacted]

Approved By: WF- [redacted] (SSA)

Drafted By: [redacted]

Case ID #: 72-WF-NEW

56D-WF-NEW

(U//FOUO) HYPERBOLIC FROST Obstruction of Justice - SENSITIVE INVESTIGATIVE MATTER

Arctic Arctic

CDPO-ELECTION LAWS -

Review Election Crime

or could be 46th FATS or other

56D

Synopsis: (U//FOUO) This communication requests opening of a new 72 full investigative matter predicated on reliable information indicating subjects conspired to provide knowingly false statements and certificates to the United States Government for the purpose of corrupting the 2020 US Presidential election - specifically the certification of the electors' votes on or about January 6, 2021. The processes by which these certificates were created, signed, and sent to the United States Government violated multiple criminal statutes over which the United States Department of Justice and the Federal Bureau of Investigation have enforcement authority.

Enclosure(s): Enclosed are the following items:

1. (U//FOUO) PIN approval and concurrence for case opening.
2. (U//FOUO) Electoral certificates for the 2020 Presidential and Vice Presidential election for Arizon, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin. Certificates were obtained through a Freedom of Information Act (FIOA) request by American Oversight.
3. (U//FOUO) Electoral certificates for the 2020 Presidential and Vice Presidential election for Arizon, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin. The certificates were downloaded from the National Archives and Records Administration.
4. (U//FOUO) Electoral certificates for the 2020 Presidential and Vice Presidential election for Arizon, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin. The certificates were downloaded from the National Archives and Records Administration.

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Sec 1, 2, 5, 6, 7, 8

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5. (U//FOUO) Electoral certificates for the 2020 Presidential and Vice Presidential election for Arizon, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin. The certificates were downloaded from the National Archives and Records Administration.
6. (U//FOUO) Electoral certificates for the 2020 Presidential and Vice Presidential election for Arizon, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin. The certificates were downloaded from the National Archives and Records Administration.
7. (U//FOUO) Electoral certificates for the 2020 Presidential and Vice Presidential election for Arizon, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin. The certificates were downloaded from the National Archives and Records Administration.
8. (U//FOUO) Electoral certificates for the 2020 Presidential and Vice Presidential election for Arizon, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin. The certificates were downloaded from the National Archives and Records Administration.
9. (U//FOUO) Electoral certificates for the 2020 Presidential and Vice Presidential election for Arizon, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin. The certificates were downloaded from the National Archives and Records Administration.
10. (U//FOUO) List of electors who submitted certificates naming Donald J. Trump as President in Arizona, Georgia, Michigan, Nevada, and Wisconsin.
11. (U//FOUO) LHM regarding opening a new ^{56D}72 matter for PCU distribution as deemed appropriate.

Details:

Relevant Background:

The "Electoral College" refers to the process by which the United States elects the President and Vice President. In this process, the States (including the District of Columbia) elect the President and Vice President through the selection of "electors." The Office of the Federal Register (OFR) is part of the National Archives and Records Administration (NARA). NARA, on behalf of the Archivist of the United States, coordinates certain Electoral College functions between the States and Congress. Acting as an intermediary, NARA reviews "Certificates of Ascertainment and Vote" before Congress accepts them as

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evidence of official State action in preparation for the counting of electoral votes in Congress.

The United States Constitution vests in the state legislatures the manner of appointment of electors. However federal Constitutional and statutory requirements also apply. Specifically, Title 3, Chapter 1 of the United States Code sets forth certain requirements regarding Presidential elections and electors. Under 3 U.S.C. § 1, the electors for President and Vice-President "shall be appointed, in each State, on the Tuesday next after the first Monday in November" during Presidential election years. After the electors are appointed, each state Governor is obliged "to deliver to the electors of such State, on or before the day on which they are required by 3 U.S.C. § 7 to meet, six duplicate- originals of the same certificate under the seal of the State." 3 U.S.C. § 6. The electors are required to "meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct." 3 U.S.C. § 7.

In reference to the above, regarding the 2020 presidential and vice presidential election, the electors were therefore required to meet on December 14, 2020. On that date they were required by statute to vote for the President and Vice-President "in the manner directed by the Constitution." 3 U.S.C. § 8.

In December 2020, as in prior years, the electors had certain responsibilities with respect to the aforementioned "six duplicate- originals" respective state Governors provided to state electors. First, electors had to "make and sign" each of the six certificates" 3 U.S.C. § 9. Electors were also required to "annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State," i.e. the governors 3 U.S.C. § 9. Second, the electors were required to specially seal and certify the certificates 3 U.S.C. § 10. Third, the electors were to "dispose" of the six certificates as follows: by sending one certificate by registered mail, "...to the President of the Senate at the seat of government;" by

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delivering two certificates to the, "secretary of state of the State;" by sending two certificates by registered mail to the "...Archivist of the United States at the seat of government;" and by delivering the final certificate, "to the judge of the district in which the electors shall have assembled" 3 U.S.C. § 11. On December 14, 2020, electors gathered in all fifty states and the District of Columbia to cast and certify their votes consistent with their Constitutional and statutory duties.

In addition to the legitimate certificates, evidence suggests fraudulent certificates were sent to the President of the Senate and Archivist of the United States, purporting to represent the elector votes from five states: Arizona (11 electors), Georgia (16 electors), Michigan (16 electors), Nevada (6 electors), and Wisconsin (10 electors). The certificates were made publicly available after American Oversight, a nonprofit, obtained copies of fraudulent certificates under a NARA FOIA request.

A review of the apparently fraudulent certificates indicated they were in substantially similar form, suggesting they were created either by one actor or through coordination among allegedly fraudulent elector groups (e.g. similar content, wording, and document length). Each of the documents was signed by certain individuals claiming to "be the duly elected and qualified Electors for President and Vice President" from each of the five effected states. Each of the forms purported to cast all of their electoral votes for President Trump and Vice President Pence.

Individuals in two other states - New Mexico (5 electors) and Pennsylvania (20 electors) - sent similar certificates, but with specific additional caveats that appear to be relevant in the proposed investigation. The certificates for those states were "certified on the understanding that if, as a result of a final non-appealable Court Order or other proceeding prescribed by law, we are ultimately recognized as being the duly elected and qualified Electors." On December 14, 2020, the Pennsylvania GOP issued a news release on pagop.org titled "Republican Electors Cast Procedural Vote, Seek to Preserve Trump Campaign Legal Challenge." According to the release, "At the request of the Trump

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campaign, the Republican presidential electors met today in Harrisburg to cast a conditional vote for Donald Trump and Mike Pence for President and Vice President respectively."

Certain titled subjects who signed the apparently fraudulent certificates (including subjects from Wisconsin and Georgia) issued related press releases, claiming to have done so in some relation to President Trump's pursuit of legal options. This appears to indicate that they received direction from or were in some way coordinating with President Trump's authorized campaign committee, Donald J. Trump for President INC.

According to open-source reporting, John Eastman (Eastman), an attorney purporting to represent President Trump, prepared a memo titled "January 6 scenario." [The authenticity of this memo has not been confirmed, and one of the objectives of the proposed investigation is to confirm the source and authenticity of the document.] Eastman appears to have known about the allegedly fraudulent elector certificates when he prepared the memo. For example, the memo begins with the line "7 states have transmitted dual slates of electors to the President of the Senate." The memo goes on to detail scenarios in which Vice President Michael Pence could use the purportedly "dual" slates of electors in order to achieve the goal of keeping President Trump in office for a second term. According to the memo, scenarios required Vice President Pence to declare that, "because of the ongoing disputes in the 7 States, there are no electors that can be deemed validly appointed in those States," and then throwing out the legitimate elector certificates from those seven states.

By statute, 3 U.S.C. § 15, a joint session of the United States Congress convened at the United States Capitol on January 6, 2021. The purpose of the joint session was for Members of the United States House of Representatives and the United States Senate to certify the vote count of the Electoral College for the 2020 Presidential Election. During the joint session, Vice President Pence stated: "After ascertaining that the certificates are regular in form and authentic, the tellers will announce

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the votes cast by the electors for each state, beginning with Alabama, which the parliamentarians advised me is the only certificate of vote from that state and purports to be a return from the state that has annexed to it a certificate from an authority of that state purporting to appoint or ascertain electors." This language suggests that Vice President Pence consulted with the parliamentarians regarding the certificates and determined that he would not rely upon the apparently fraudulent elector certificates.

Federal Violations:

By submitting apparently fraudulent elector certificates, subjects, both known and unknown, may have violated one or more of the following federal statutes for which the FBI has enforcement responsibility:

- Attempt or conspiracy to corruptly obstruct, influence, and impede the certification of the Electoral College vote (18 U.S.C. § 1512(c) (2) and (k))
- Obstruction of certain proceedings (18 U.S.C. § 1505)
- Falsification of records 18 U.S.C. § 1519
- Conspiracy to defraud the United States (18 U.S.C. § 371)
- False Statements (18 U.S.C. § 1001)
- Mail Fraud (18 U.S.C. § 1341)
- Conspiracy to commit Mail Fraud (18 U.S.C. § 1349)
- Fraud by wire, radio, or television (18 U.S. Code § 1343)

~~• Soliciting Espionage (18 U.S.C. § 793) - d. L. AUSX.~~

Statement of Predication:

In accordance with DIOG Sections 7.1-7.2, based on the facts and information described above, there is an articulable factual basis which reasonably indicates an activity constituting a federal crime has occurred and the investigation may obtain information relating to the activity or the involvement or role of an individual, group, or organization in such activity.

A new Full Investigation will be opened which will obtain information about, prevent, or protect against federal crimes; identify, locate, and apprehend subjects and possible co-conspirators; and obtain evidence for

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prosecution if warranted based on the new set of facts and circumstances.

Per DIOG section 10.1.2 this investigation will be considered a sensitive investigative matter (SIM) due to the potential involvement or activities of a domestic public official, domestic political organization, or individual prominent in such an organization.

Ad
DJ
Subjects of the investigation include members of Donald J. Trump for President, INC., both identified and yet to be identified. Donald J. Trump for President, INC., was the campaign committee. Additional details related to the subjects can be found under the subject section below.

Per DIOG section 7.10.1, the "Updated Requirements for Certain Investigative Matters Related to Presidential and Congressional Candidates Policy Notice (1096N)," requires approval from the FBI Director and Attorney General, delegated to the Deputy Attorney General, in order to open the investigation. WFO will not take investigative steps until receiving Director approval.

Venue:

Although relevant activity occurred in multiple states and jurisdictions, the allegedly fraudulent certificates were mailed to Washington, DC and were received by NARA in Washington, DC. Additionally, Washington, DC is the location where the effects of the criminal activity were felt. As a result, as per consultation with the United States Attorney's Office in the District of Columbia, venue lies in the District of Columbia. It is also noted that Washington Field Office (WFO) is uniquely qualified by experience and location to investigate this matter.

United States Attorney's Office Opinion:

On February 17, 2022, Assistant United States Attorney in the District of Columbia (USAODC), Thomas Windom, advised the United States Attorney's Office concurred with the initiation of this full investigation and that the United States Attorney's Office had opened a related [REDACTED] [REDACTED] on January 31, 2022 under USAO Case Number [REDACTED] As

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such, Matthew Graves, United States Attorney for the District of Columbia concurred with the initiation of this investigation.

Other Investigative Entities:

Prior to the FBI's involvement in the case, agents from the United States Postal Inspector's Office and the Investigative Unit of the Office of the Inspector General for the National Archives had both opened investigations related to this matter and were coordinating with the USAODC. WFO will coordinate with USAODC to ensure the FBI has primary responsibility for the investigation.

Identification of Subjects:

Subjects include approximately 66 individuals in Arizona, Georgia, Michigan, Nevada, and Wisconsin who signed apparently fraudulent certificates, as well as other individuals who may have coordinated efforts among the individuals in different states. Subjects are both known and unknown as of predication of the case.

Attached hereto is an initial list of names of subjects identified on the electoral college ballots naming Donald J. Trump the winner in their respective states. The specific identifying details regarding the individuals will be determined in the initial phases of the proposed investigation.

Proposed subjects who have been identified as associated with Donald J. Trump for President, INC. include:

John Eastman

Eastman is an attorney who purported to represent Donald J. Trump. Eastman drafted a memorandum entitled "January 6 scenario" (the Eastman Memo) which detailed options for the Vice President. Eastman appears to have known about the apparent fraudulent elector certificates when he prepared the Memo because it begins with the line "7 states have transmitted dual slates of electors to the President of the Senate." The memo goes on to detail two scenarios in which Vice President Pence could

→ add DJT

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use the purportedly "dual" slates of electors in order to achieve the goal of keeping President Trump in office for a second term. Both scenarios required Vice President Pence to declare that "because of the ongoing disputes in the 7 States, there are no electors that can be deemed validly appointed in those States," and throw out the legitimate elector certificates from those seven states.

Boris Epshteyn

Epshteyn is an attorney who purported to represent Donald J. Trump for President, INC. On January 21, 2022 in a news interview, Epshteyn said, "Yes, I was part of the process to make sure there were alternate electors for when as we hoped the challenges to the seated electors would be heard and be successful." Epshteyn further stated, "Everything that was done was done legally by the Trump legal team by, according to, to the rules and under the leadership of Rudy Giuliani."

Rudolph "Rudy" Giuliani

Giuliani, was President Donald J. Trump's attorney and attorney for Donald J. Trump for President, INC. On November 19, 2021, Giuliani, joined by other legal representatives from the Donald J. Trump for President, INC. campaign, held a press conference regarding alleged voter fraud in the 2020 election. On December 14, 2021, Giuliani appeared on a podcast hosted by Former White House appointee Steve Bannon. The two discussed Giuliani and the campaign sending Trump electors to the state Capitals. In part Bannon asked, "Why is the Trump campaign sending its own slate of electors to these state Capitals?" Giuliani responded in part that they were doing so "out of an excess of caution." Therefore, Giuliani may have conspired to subvert the Electoral College process established by the United States Constitution.

Investigative Plan:

The investigative plan will likely include the following steps:

- Full identification of known subjects including biographical

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particulars and locations.

- Review pertinent open-source materials including videos regarding the signing of the allegedly fraudulent certificates on December 14, 2020, and statements by the allegedly fraudulent electors regarding their plan and goals.
- In coordination with the USAODC, issuance of grand jury subpoenas for records including phone tolls and bank records as appropriate.
- As such records are identified, issuance of preservation letters for relevant records.
- In coordination with USAODC, as electronic facilities are identified, issuance of 2703(d) orders and search warrants for relevant digital content.
- Conduct witness interviews and related investigation including but not limited to:
 - A subset of the legitimate electors in each state, in order to determine and establish potential testimony about and witnesses for processes associated with legitimate electoral certificates.
 - Coordination with The Archivist of the United States to locate and preserve original evidence such as mailed allegedly fraudulent certificates which may contain forensic evidence, such as fingerprints and impression evidence, that may link the certificates to specific subjects known and unknown.
 - Coordination with The Archivist of the United States, to determine, understand, and document the processes which occurred related to the legitimate and illegitimate certificates, for example, to what degree the certificates were ever viewed as legitimate or if there was any attempt to withdrawal such certificates.
 - Identify and interview the parliamentarian of the Senate and/or House of Representatives who may have consulted with Vice President Pence on this matter.
- Work through and with United States Postal Inspection Service to located and preserve as evidence any documents and records associated with registered mail sent to the Archivist and President of the Senate.
- Conduct or attempt to conduct one or more sensitive interviews of potential witnesses in the matter including, but not limited to, Vice President Pence.

Approval Documentation and Required Notifications:

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The proposed investigation is considered a SIM and per DIOG section 7.7.1.1. requires Chief Division Council review and SAC approval to open. Per DIOG, an LHM for distribution as deemed necessary is attached hereto with an informational lead for Public Corruption Unit for distributions.

Pursuant to the AG Barr Memorandum dated February 5, 2020 (Barr Memorandum), the Department of Justice is "charged with the responsibility of protecting the integrity of our elections and democratic system of government against improper influences." As a result, certain investigations require heightened notification to ensure "particular care" is exercised by the Department and its law enforcement agencies. In accordance with the Barr Memorandum, WFO is seeking additional approval in excess of that required under DIOG 7.7.1.1. because the matter involves individuals who represented the former president and members of the former president's campaign team (See Page 2, Number 1 of the Barr Memorandum).

The Department of Justice Public Integrity Section has also been notified and has concurred with opening. In particular, on January 28, 2022, Richard Pilger, Director, Election Crimes Branch, Public Integrity Section provided email concurrence for a nationwide, full-field and Grand Jury investigation of the alleged criminal activity.

Documentation of concurrence from Richard Pilger is attached hereto in digital format.

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