

United States Senate

WASHINGTON, DC 20510

October 5, 2026

The Honorable Todd Blanche
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Kash Patel
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

Dear Attorney General Blanche and Director Patel:

On October 5, 2026, my office received the attached protected whistleblower disclosure (the Disclosure) through the Government Accountability Project that reveals serious allegations of unconstitutional investigations by the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) targeting protestors' First Amendment activity.

According to the attached Disclosure, the White House, former and current DOJ leadership, and FBI leadership directed the Los Angeles FBI Field Office to open two different investigations in 2025 based solely on individuals' participation in First Amendment activity—in violation of agency policy and constitutional protections. These investigations were opened following increased protests against aggressive immigration enforcement actions by Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) in the Los Angeles area in early 2025. The Disclosure also alleges that the investigations pulled FBI employees and resources away from active cases involving drug trafficking, violent crime, and transnational criminal organizations. Although the whistleblower and others at the Los Angeles Field Office raised concerns that these investigations unlawfully targeted individuals for exercising their First Amendment rights, the investigations proceeded nevertheless.

The whistleblower's Disclosure includes credible allegations of wrongdoing and abuse of power by DOJ and FBI leadership in two instances:

(1) Former DOJ Acting Deputy Attorney General Emil Bove directed the Los Angeles Field Office to open an investigation into any anti-ICE and CBP protestors demonstrating at federal buildings in Los Angeles, without identifying any clearly articulated actual or potential national security threat, criminal activity, or vulnerability to such threats and activities;¹ and

(2) After President Trump reportedly viewed a TikTok video of protestors in Alhambra, California that alerted neighbors about ICE's presence and advised them of their legal rights, the White House instructed FBI Director Kash Patel to direct the Los Angeles Field Office to initiate an investigation into the protestors.²

¹ Disclosure Letter to Senator Alex Padilla and Senator John Cornyn from Whistleblower re: Department of Justice and Federal Bureau of Investigation (Oct. 5, 2026), pp. 1-7.

² Disclosure Letter at 1, 7-10.

Throughout your appearances before the Senate Committee on the Judiciary, you promised that cases would be based only on the facts and the law, free from political interference.³ But the Disclosure paints a starkly different picture and raises serious questions about whether other similar investigations have been initiated under your tenures. The Disclosure depicts an FBI and DOJ willing to surveil individuals solely for First Amendment activity criticizing the Administration—at the behest of the White House and Trump loyalists, over the objection of senior staff, and in contravention of agency policy and the Constitution. Such allegations raise grave concerns about the rule of law under your leadership, the diversion of resources from ongoing criminal investigations, and the testimony that you provided under oath to Congress.

Given your commitments under oath to base investigations on the facts and the law and defend the Constitution, I ask that you provide answers to the following questions no later than October 12, 2026.

1. Is the investigation/assessment cited in Section II.A of the Disclosure still open?
 - a. If not, when was the investigation/assessment closed?
 - b. What was the specific actual or potential national security threat, federal criminal activity, or vulnerability to such threats identified as a basis for opening this investigation/assessment? If no specific threat was identified, what was the justification for opening the investigation/assessment?
 - c. How many planned demonstrations were monitored pursuant to this investigation/assessment? How many were connected to protests against ICE and CBP specifically?
 - d. For how long did the Los Angeles Field Office monitor online activity associated with planned demonstrations in connection with this investigation/assessment?
 - e. How many social media accounts did the FBI monitor in connection with the investigation/assessment? How many individuals were surveilled? What information was recorded and is that information still retained by the FBI or DOJ?
 - f. Were any individuals identified in the investigation arrested, charged, indicted, or convicted as a result of the investigation/assessment or any related investigation/assessment? If so, please provide the case number, alleged violation of the law, and results for each case initiated.
 - g. Did anyone at the White House provide instructions regarding this investigation/assessment before, during, or after the investigation was opened?

³ See, e.g., Questions for the Record from Kash Patel's Confirmation Hearing (Jan. 30, 2025) (Director Patel stating that "I will ensure that all FBI employees, including leadership, operate without political bias. Decisions will be made based on the facts and the law"); Questions for the Record from Todd Blanche's Confirmation Hearing (July 17, 2026) (Attorney General Blanche stating that "[a]ll investigative and prosecutorial decisions made by Department attorneys are in accordance with the facts and the law").

2. Is the investigation/assessment cited in Section II.B of the Disclosure still open?
 - a. If not, when was the investigation/assessment closed?
 - b. What investigatory process was initiated in response to the protestors described in Section II.B of the Disclosure?
 - c. What was the specific factual and legal justification for opening the investigation/assessment? How was that decision reconciled with the C-1 squad's recommendation to close the matter after conducting a pre-assessment check?
 - d. What surveillance measures were taken in connection with this investigation/assessment and for how long? What information was recorded and is that information still retained by the FBI or DOJ?
 - e. Were any individuals identified in the investigation/assessment arrested, charged, indicted, or convicted as a result of the investigation/assessment or any related investigation/assessment? If so, please provide the case number, alleged violation of the law, and results for each case initiated.
 - f. Did anyone at the White House provide any subsequent instructions in connection with this investigation after the pre-assessment checks described in the Disclosure?
3. How many protestors have the FBI and DOJ investigated or assessed—both in Los Angeles and nationally—since January 20, 2025?
 - a. How many of those investigations/assessments involved anti-ICE or CBP protests?
 - b. How many investigations/assessments were based solely on First Amendment activity?
 - c. How many investigations/assessments involving protestors that were opened since January 20, 2025 have since been closed? What were the reasons for their closure?
 - d. How many remain open? Please identify the current duration of each open investigation/assessment.
 - e. Has the FBI continued to surveil protestors identified in the investigations/assessments described in the Disclosure through any other directive, investigation, or assessment? If so, what was the factual and legal basis for the additional directives, investigations, or assessments? Please also specify whether such investigations or assessments are ongoing, and if not, when they were completed.
4. How many other directives have the FBI or DOJ received from President Trump or any other White House official to investigate or assess anti-ICE or CBP protestors?

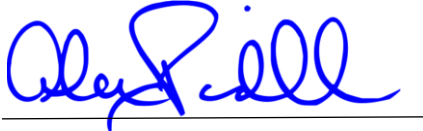
- a. Which individual provided the directives?
 - b. To whom were they directed within the FBI or DOJ?
 - c. What was the FBI's or DOJ's response?
5. How many FBI employees were assigned to the two investigations/assessments cited in the Disclosure?
 - a. How many of these employees were pulled off other cases to conduct these investigations/assessments?
 - b. What efforts, if any, were made to provide additional support to case teams from which employees were reassigned?
6. How many internal complaints have you received alleging improper use of investigative authority?
 - a. How many of those complaints involved allegations concerning First Amendment activity?
 - b. Did the FBI or DOJ investigate these complaints?
 - i. If not, why not?
 - ii. If yes, what was the result of these investigations?
 - c. How many individuals who worked on an investigation/assessment concerning First Amendment activity have since been terminated or resigned?
7. What policies, standards, or safeguards have the FBI and DOJ instituted to prevent First Amendment activity from serving as the basis for an investigation/assessment?
 - a. How do the FBI and DOJ ensure compliance with these policies, standards, or safeguards?
 - b. What are the repercussions for violating these policies, standards, or safeguards?
 - c. In what ways, if any, have these policies, standards, or safeguards changed since January 20, 2025?
 - d. What changes will you make to prevent the incidents described in the Disclosure from occurring again?

Please preserve and produce to my office all documents, correspondence, and information relevant to the Disclosure and the questions asked above. These records include, but are not limited to, the opening EC

for the assessment described in Section II.A.3; the order directing the Los Angeles Field Office's social media monitoring personnel to conduct advance monitoring of planned demonstrations; any emails, instant messages, and meeting notes (including Teams messages) concerning the activity and investigations/assessments described in the Disclosure; and any communications from the FBI's Office of General Counsel to the FBI Inspection Division regarding the allegations described in the Disclosure.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex Padilla", is positioned above a horizontal line.

Alex Padilla
United States Senator