

United States Senate

WASHINGTON, DC 20510

October 21, 2026

The Honorable Don R. Berthiaume
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Inspector General Berthiaume:

On October 5, 2026, the Senate Committee on the Judiciary received the attached protected whistleblower disclosure (the Disclosure) through the Government Accountability Project. It reveals serious allegations that the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) opened unconstitutional investigations of protesters engaged in protected First Amendment activity.

According to the Disclosure, the White House, 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 protesters' constitutional rights. These investigations were opened following increased protests against aggressive immigration enforcement actions by U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) in the Los Angeles area. The Disclosure states that no actual or potential national security threat or federal criminal activity existed on which to predicate investigating the protesters. 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 allegedly proceeded nevertheless.

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

(1) Then-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 activities¹; 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

We request that you open an independent investigation into the troubling allegations detailed in the Disclosure, which describes DOJ and FBI leadership directing personnel to initiate investigations based solely on First Amendment activity under political pressure. We further request that you investigate whether and to what extent the FBI's Domestic Investigations and

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.

Operations Guide—and any provisions concerning First Amendment activity therein—have been amended during Director Patel's tenure. Based on the allegations in the Disclosure and due to the risk that the FBI may continue to violate agency policies and unlawfully target individuals exercising their constitutional rights, we believe a management alert may be appropriate to address this alleged misconduct immediately and prevent any additional wrongdoing or misuse of FBI personnel and resources while your office's investigation is ongoing.

Given the serious questions the Disclosure raises about the misuse of federal law enforcement resources and the legality and constitutionality of these directives to FBI personnel, please provide regular updates on the status of your investigation to the leadership of the Senate Committee on the Judiciary. If the Attorney General refuses to cooperate with an audit or investigation into these allegations, please notify us immediately.³

Thank you for your attention to this important matter.

Sincerely,



Alex Padilla
Ranking Member, Judiciary
Subcommittee on Border
Security and Immigration



Richard J. Durbin
United States Senator
Ranking Member, Senate
Committee on the Judiciary



Mazie K. Hirono
United States Senator



Richard Blumenthal
United States Senator



Cory A. Booker
United States Senator



Sheldon Whitehouse
United States Senator



Adam B. Schiff
United States Senator

³ See 5 U.S.C. § 413(a)(3) (providing requirements of mandatory Inspector General notifications of Attorney General's exercise of authority over certain audits and investigations to Congress).

Enclosures:

Senator Padilla Letter to Attorney General Blanche and Director Patel (Oct. 5, 2026)
Whistleblower Disclosure Letter to Senator Padilla and Senator Cornyn (Oct. 5, 2026)

cc:

Senator Chuck Grassley, Chair of Senate Committee on the Judiciary
Senator John Cornyn, Chair of Senate Committee on the Judiciary Subcommittee on Border
Security and Immigration