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Democracy Defenders Fund (DDF) writes to request that your offices initiate an investigation into a promotional video that the Federal Bureau of Investigation (FBI) posted on its FBI Rapid Response social media account on October 6, 2026, and which has since been removed. The two-minute video is an unprecedented use of the FBI's resources to engage in partisan propaganda that appears to serve no purpose other than to (1) denigrate members of the Democratic Party and (2) glorify FBI Director Kash Patel. A thorough investigation is necessary to identify not only any violations of the law, but to understand how the decision was made to create this video, and who was involved in that decision.

For the Nation's principal law enforcement agency to engage in partisan attacks and politically motivated self-aggrandizement would be shocking at any time. That the FBI decided to create and release this video during the early voting period of the 2026 Congressional mid-term represents a grave abuse of power that may serve to chill citizens' constitutional right to free and fair political participation. That type of abuse is proscribed by the Hatch Act, 5 U.S.C. §§ 7323-7324, which reflects the "fundamental" principle that "employees in the Executive Branch of the Government, or those working for any of its agencies, should administer the law in accordance with the will of Congress, rather than in accordance with their own or the will of a political party."¹ This video also appears to violate several provisions of the 2026 annual

¹ *U. S. Civ. Serv. Comm'n v. Nat'l Ass'n of Letter Carriers, AFL-CIO*, 413 U.S. 548, 564–65 (1973) (Letter Carriers).

appropriations bills which prevent the FBI's use of government funds on unauthorized "publicity or propaganda."²

The FBI's promotional video has no place in a democratic society. We therefore request that the Office of Special Counsel (OSC) open an investigation into this matter and request that you seek appropriate penalties, including up to removal and debarment from federal employment, for employees deemed to have violated the Hatch Act.³ We separately ask that the Government Accountability Office (GAO) open an investigation into whether the publication of this video violates the appropriations riders preventing the FBI's use of funds for "publicity or propaganda," including purely partisan materials and self-aggrandizement. Finally, we request that the Department of Justice's Office of Inspector General (OIG) open an investigation and audit to determine who authorized the creation and dissemination of this video, what budgetary authority was used, whether they were created in house or by contractors, and to ensure that DOJ establishes appropriate internal controls to prevent this grave abuse from occurring again.

Background

At 12:47 PM on October 6, 2026, the FBI posted a video on its "FBI Rapid Response" x.com social media account.⁴ The text accompanying the video contrasts the "DEFUND THE POLICE crowd" who purportedly sought to "Let criminals run wild while cops take a backseat" with "Director Patel's FBI." The video itself is visually and narratively split into two sections. The first section begins with grainy shots of protestors accompanied by a voiceover that states that "Democratic Socialist leaders looked America in the eye telling them they need to reimagine safety by defunding the police." That is followed by clips of prominent Democrats discussing police reform. These clips are highly altered using filters and presenting each speaker in front of signs that read "Defund the Police." Each speaker is identified by name and their political affiliation.



² See, e.g., Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026, Pub. L. 119-74, § 501, 140 Stat. 50 (Jan. 23, 2026); Consolidated Appropriations Act, 2026, Pub. L. 119-75, § 718, 140 Stat. 495 (Feb. 3, 2026).

³ 5 U.S.C. § 7326.

⁴ FBI Rapid Response (@FBI_Response), x.com (12:47 PM, Oct. 6, 2026), https://x.com/FBI_Response/status/2107512967767953488.





The video proceeds to show scenes of violence and rioting with the voiceover intoning “Not reform, defund the police as policy... as the path *they said* would keep you safer... . . . What followed was a complete failure.”

The video’s tone and content then abruptly change. The video’s grainy filters are replaced by vibrantly shot images of Administration officials, including Attorney General Blanche and Director Patel. The voiceover provides that “America needed the badge back on offense. Kash Patel’s FBI took the lead.”



The video then shows Director Patel talking about sending agents into the field, which is followed by a long narration extolling the virtues of “Patel’s FBI”:

Patel’s FBI made crushing violent crime the mission. It moved over 1,000 positions out of Washington into the field. Dismantling gangs. Choking off fentanyl. And taking violent offenders off the streets. And it worked. Since Patel took charge in February 2025 about 54,000 violent crime arrests (up 90%). More than 31,000 gangs disrupted. More

than 3,200 kilograms of fentanyl seized. That's a crime first FBI under Director Patel. Defund the police didn't reimagine safety. It removed it. Americans were left exposed. Kash Patel's FBI is taking safety back by force. . . and putting Americans behind a real shield again.



The narration is accompanied by videos of law enforcement and military members engaging in a variety of activities and includes a clip of Director Patel standing in the middle of a group of people who are clapping.

Discussion

a. Request for OSC Investigation into Apparent Violations of the Hatch Act

The Hatch Act of 1939, as amended, establishes a national policy that confirms “the judgment of history, a judgment made by this country over the last century that it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service, and that the political influence of federal employees on others and on the electoral process should be limited.”⁵ Among many of the concerns that animated the Hatch Act was

the conviction that the rapidly expanding Government work force should not be employed to build a powerful, invincible, and perhaps corrupt political machine. The experience of the 1936 and 1938 campaigns convinced Congress that these dangers were sufficiently real that substantial barriers should be raised against the party in power—or the party out of power, for that matter—using the thousands or hundreds of thousands of federal employees, paid for at public expense, to man its political structure and political campaigns.⁶

⁵ *Letter Carriers* at 557.

⁶ *Id.* at 565-566.

In response to these grave concerns, Congress enacted several limitations on the types of political activity employees can engage in both in their official capacity and in their private capacity.

First and foremost, the Hatch Act provides at 5 U.S.C. § 7323(a)(1) that *no* officer or employee of the federal government may “use his official authority or influence for the purpose of interfering with or affecting the result of an election.”⁷ This restriction is broad and prevents employees from even being identified by their official title when engaged in political activity.⁸ In addition to this core obligation, employees *other than* certain Presidential appointees occupying positions requiring Senate confirmation are further prohibited under 5 U.S.C. § 7324(a) from engaging in any political activity while on duty, in a government building, in uniform, or using a government vehicle.⁹ Political activity for purposes of the Hatch Act is broadly defined to mean any “activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.”¹⁰

It should further be noted that employees of certain personnel, intelligence, and law enforcement agencies, including the Federal Bureau of Investigation, are prohibited from engaging in *any* active participation in political management or political campaigning *even* when they are off-duty and in a private capacity. This prohibition on “further restricted employees” recognizes both that those engaged in sensitive law enforcement and intelligence activities may be most vulnerable to politicization and that such politicization would have the gravest impacts for the administration of the nation’s laws.

The October 6 “Defund the Police” video is political activity. The video contrasts policies held by the “DEFUND THE POLICE crowd,” represented solely by Democrats with those of the current, Republican, administration. Each of the individuals described as being for “defunding the police” is listed by their political affiliation and then information about their past or current government roles:

- Kamala Harris, *Democrat*, Former Vice President
- Alexandria Ocasio-Cortez, *Democratic Socialist*, Member of Congress
- Abdul El-Sayed, *Progressive Democrat*, Senate Nominee
- Cori Bush, *Democratic Socialist*, Former Member of Congress
- Ilhan Omar, *Progressive Democrat*, Member of Congress

Most troubling is the listing of Abdul El-Sayed, who is currently an active candidate for the Senate seat in Michigan.

As the U.S. Office of Special Counsel just advised on September 25:

⁷ 5 U.S.C. § 7323(a)(1); 5 C.F.R. § 734.302(a). In addition, no employee may seek partisan office, engage in partisan fundraising, or attempt to solicit or discourage participation in political activity by individuals who could be affected by an enforcement or benefit decision of the agency. 5 U.S.C. § 7323(a)(2)-(4).

⁸ 5 C.F.R. § 734.302(b)(1).

⁹ 5 U.S.C. § 7324.

¹⁰ 5 C.F.R. § 734.101.

References to a political party that are incidental to describing a live legislative or operational dispute, are temporally removed from any election, and are neutrally framed are unlikely to be political activity. Conversely, references that are gratuitous, made close to an election, and framed as an attack on a party are likely to be political activity.¹¹

The FBI's video falls directly into the latter category. It is temporally close in time to the ongoing mid-terms and the references made to the party affiliation of these individuals is gratuitous. The entire video—from language, tone, visual representation, and context—is framed as an attack on the Democratic Party. Furthermore, while the video discusses certain statistics of work performed by the FBI, it is not discussing a “live legislative or operational dispute.” Rather, it has all the indicia of attempting to “affect[] the outcome of future elections, a purpose the Hatch Act prohibits.”¹² In fact, the video has many hallmarks of the types of signs or literature that intentionally compares political party policies in a way intended to promote the policies of one party over another that have been deemed inappropriate under the Hatch Act.¹³ The fact that the Republican Party is never mentioned is inconsequential; the point is implied and clear from the context, timing, and content of the video.

Use of official resources and time on the creation of this video appears to implicate the prohibition at 5 U.S.C. § 7323(a)(1) against use of “official authority or influence for the purpose of interfering with or affecting the result of an election.” Furthermore, to the extent to which FBI officials were involved in assisting in the creation of the video, it raises questions as to whether they were engaged in political activity while “on duty” or in a “building occupied in the discharge of official duties.” which require further investigation. It is imperative that OSC investigate this matter fully and take appropriate action under the Hatch Act.

b. Request for GAO Investigation into Apparent Misuse of Appropriations for Publicity and Propaganda

Since 1951, Congress has included limitations in annual appropriations riders prohibiting the use of government funds for “publicity or propaganda” purposes in the United States without prior Congressional authorization.¹⁴ In 2026, Congress included a government-wide prohibition on unauthorized publicity and propaganda in the Consolidated Appropriations Act, 2026, and a similar limitation that applies to the FBI and other agencies that are appropriated under the Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026.

¹¹U.S. Office of Special Counsel, *Hatch Act Assessment and Advisory: Partisan Agency Communications During the 2025 Lapse in Appropriations*, (Sep. 25, 2026). [260925-assessment-and-advisory-of-partisan-communications-2025.pdf](#)

¹² *Id.*

¹³ See 5 C.F.R. 734.306, Example 16; *cf. Burrus v. Vegliante*, 336 F.3d 82, 90 (2d Cir. 2003).

¹⁴ Pub. L. No. 134, ch. 373, § 702, 65 Stat. 209, 223 (Aug. 31, 1951).

The prohibition of publicity or propaganda has been read to apply to three forms of agency communications. Those are self-aggrandizement, purely partisan communications, and covert propaganda. The former two are relevant here.

The “self-aggrandizement” prohibition provides that an agency cannot engage in “puffery” or “publicity of a nature tending to emphasize the importance of the agency or activity in question.”¹⁵ GAO has provided that this prohibition means that an agency “may not use appropriated funds to issue press releases that attempt to persuade the public as to [its] importance . . . as a Government agency.”¹⁶ The restriction encompasses communications that seek “to persuade the public as to the importance of the [agency’s] director, the agency, or its programs.”¹⁷

The purely partisan materials prohibition provides that no federal funds can be used for communications that are “designed to aid a political party or candidates thereof.”¹⁸ “Stated differently, Congress appropriates funds for official government functions, not for political activities of the administration.”¹⁹ In making this determination, GAO has considered whether the information is “devoid of any connection with official functions *or* so political in nature” that it must be deemed political. For example, in 2005, GAO found that survey questions asking respondents whether “The Bush Administration/GOP is committed to education” should not have been paid for out of federal appropriations.²⁰

The FBI video appears to violate both the self-aggrandizement and the purely partisan materials prohibitions.

First, the video is clear “puffery.” The entire video is centered on “persuad[ing] the public as to the importance of the director, the agency, [and] its programs.” Multiple references are made to “Kash Patel’s FBI” stating that “America needed the badge back on offense. Kash Patel’s FBI took the lead” and that “Kash Patel’s FBI is taking safety back by force. . . and putting Americans behind a real shield again.” Video is shown of FBI officials, and towards the end Kash Patel is shown at an event encircled by cheering attendees. The video has the obvious effect of serving as a “hype” piece for “Kash Patel’s FBI.”

Second, this puffery is being used not only to build up the image of the FBI, but to contrast the Administration with the purported policies of “Democratic Socialists.” As described above, the video shows prominent former, current, and potential elected officials of the Democratic Party, listed with their political affiliation, and attempts to link them with violent acts. The voiceover asserts: “Not reform, defund the police as policy... as the path *they said* would keep you safer. . . What followed was a complete failure.” The timing, content, and

¹⁵ 31 Comp. Gen. 311, 313 (1952).

¹⁶ Office of National Drug Control Policy--Video News Release, B-303495 (Jan. 4, 2005) (citing B-212069, Oct. 6, 1983).

¹⁷ *Id.*

¹⁸ Information Concerning White House Regional Conferences, B-147578 (Nov. 8, 1962).

¹⁹ Department of Education—No Child Left Behind Act Video News Release and Media Analysis, B-304228 (2005).

²⁰ *Id.*

context of this ad strongly suggest that it is not merely puffery, but that it is “designed to aid a political party or candidate” in violation of the appropriations laws.

It is imperative that GAO investigate this video and take appropriate action. If the FBI has violated the “publicity or propaganda” riders, use of these funds would also be in violation of the Purpose Statute, 31 U.S.C. § 1301, and the Antideficiency Act, 31 U.S.C. § 1341(a)(1). The FBI has both an obligation to report that information to Congress, 31 U.S.C. § 1351, and to take corrective action against any individual who has violated the Antideficiency Act, 31 U.S.C. § 1349.

c. Request for OIG Investigation and Audit of Contracts and Use of Appropriations

The production of this video raises serious questions concerning whether the appropriate internal controls exist to protect against the misuse of government resources for political purposes. A thorough investigation is necessary to determine who authorized the creation and dissemination of the Oct. 6 video, who was involved in creating the video (including FBI officials and contractors), if contractors were involved, whether the costs related to creating the video were unallowable under FAR § 31.205-22 (Lobbying and Political Activity Costs),²¹ and whether they adhered to applicable procedures intended to prevent waste, fraud, and abuse of FBI resources. Furthermore, we encourage the OIG to make recommendations to the FBI on ways that they can institute stronger internal controls to prevent future uses of budgetary authority on what appears to be political and self-aggrandizing propaganda.

Conclusion

Over the past several weeks, the Trump Administration has released several “ads” that appear to be nothing more than partisan propaganda masquerading as public service announcements. The FBI’s October 6 promotional video falls squarely in that mold: it serves as an attack on Democrats during the Congressional mid-terms, apparently aimed at increasing the favorability of the Republican Party through aggrandizing the work of the Administration. Not only does this appear to be a violation of the Hatch Act, but the use of funds for this partisan puffery appears to violate the appropriations laws. An investigation by your offices is necessary to protect the public trust and the public fisc, and to prevent the type of machine politics that animated the Hatch Act in the first instance.

Sincerely,

/s/

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Democracy Defenders Fund

/s/

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²¹ 48 C.F.R. § 31.205-22.

/s/

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