

May 1, 2025

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Re: Social Media Posts by Federal Bureau of Investigation ("FBI") Director Kash Patel
and Fox News Statements by Attorney General Pam Bondi Concerning the Arrest of
Milwaukee County Circuit Court Judge Hannah Dugan

Dear Mr. Horowitz:

State Democracy Defenders Fund and Public Citizen respectfully request that you review recent social media posts and Fox News statements made by FBI Director Kash Patel and Attorney General Pam Bondi regarding the arrest of Milwaukee County Circuit Court Judge Hannah Dugan to determine if they violated federal regulations and media policies issued by the Department of Justice ("DOJ") that bar DOJ personnel from making public statements that are highly prejudicial or that could affect the outcome of a criminal proceeding.¹

Background

At about 8:30 a.m. on Friday, April 25th, the FBI arrested Milwaukee County Circuit Court Judge Hannah Dugan in the parking lot of the Milwaukee County Courthouse. She was transferred to the custody of the U.S. Marshals, appeared before a federal magistrate judge, and was released on bond later that day. She has a court hearing scheduled for May 15.²

In the criminal complaint, she is charged with “obstructing or impeding a proceeding before a department or agency of the United States” and “concealing an individual to prevent his discovery and arrest.”³ The allegations stem from an incident on April 18, 2025, when ICE officials arrived at the courthouse, apparently intending to apprehend Eduardo Flores Ruiz, who is undocumented and who was scheduled to appear in front of Judge Dugan for a hearing. Judge Dugan asked the immigration officials to present a judicial warrant, but they could only produce

¹ If you determine that you do not have jurisdiction over Attorney General Bondi's conduct in this matter, we request that you refer it to DOJ's Office of Professional Responsibility.

² Ryan J. Reilly and Michael Kosnar, *FBI arrests Milwaukee judge, alleging she interfered in immigration operation*, Apr. 26, 2025, NBC News, <https://www.nbcnews.com/politics/justice-department/fbi-arrests-milwaukee-judge-alleging-interfered-immigration-operation-rcna203006>.

³ *United States v. Dugan*, 2:25-mj-00397, (E.D. Wis.) (Apr. 24, 2025) <https://d3i6fh83elv35t.cloudfront.net/static/2025/04/complaintuscourtswied11162910.pdf>.

an administrative warrant, so Judge Dugan directed them to speak to the Chief Judge before taking further action. Upon return to her courtroom, the complaint alleges that Judge Dugan directed Flores Ruiz to a private area of the courthouse after his hearing.

The arrest is highly controversial. Not only have analysts disputed the obstruction allegations,⁴ but the arrest process has been criticized by former prosecutors and criminal defense attorneys as "outrageous," "jarring," and "outside standard procedures."⁵

FBI Director Kash Patel's Social Media Posts

Following the arrest, at 12:11 p.m. on the day of Judge Dugan's arrest, FBI Director Kash Patel used his @FBIDirectorKash X account to post:

Just NOW, the FBI arrested Judge Hannah Dugan out of Milwaukee, Wisconsin on charges of obstruction — after evidence of Judge Dugan obstructing an immigration arrest operation last week.

We believe Judge Dugan intentionally misdirected federal agents away from the subject to be arrested in her courthouse, Eduardo Flores Ruiz, allowing the subject — an illegal alien — to evade arrest.

Thankfully, our agents chased down the perp on foot and he's been in custody since, but the Judge's obstruction created increased danger to the public.

We will have more to share soon. Excellent work @FBIMilwaukee⁶

⁴ Associated Press by Alanna Durkin Richer, Devi Shastri, Corey Williams, *Read the full criminal complaint against a Milwaukee judge accused of helping man evade immigration authorities*, PBS, Apr. 25, 2025, <https://www.pbs.org/newshour/politics/read-the-full-criminal-complaint-against-a-milwaukee-judge-accused-of-helping-man-evade-immigration-authorities>; Mitchell A. Sobieski, *ICE's Fake Warrant: Why Judge Hannah Dugan's Arrest is a Political Stunt for Trump's Autocratic Agenda*, Milwaukee Independent, Apr. 26, 2025, <https://www.milwaukeeindependent.com/articles/ices-fake-warrant-judge-hannah-dugans-arrest-political-stunt-trumps-autocratic-agenda/>.

⁵ Daniel Bice, John Diedrich, Mary Spicuzza and Vanessa Swales, *Milwaukee County Circuit Judge Hannah Dugan charged with 2 federal counts in ICE case*, Milwaukee Journal Sentinel, Apr. 28, 2025, <https://www.jsonline.com/story/news/breaking/2025/04/25/milwaukee-county-judge-hannah-dugan-arrested-by-feds-at-courthouse/83270885007/>; Deja Vishny and Kristy Parker, *As attorneys, we recognized judge's courthouse arrest was not standard practice*, Milwaukee Journal Sentinel, Apr. 28, 2025, https://www.jsonline.com/story/opinion/2025/04/28/hannah-dugan-arrested-milwaukee/83317989007/?utm_campaign=trueanthe&utm_medium=social&utm_source=facebook.

⁶ FBI Director Kash Patel (@FBIDirectorKash). X (Apr. 25, 2025 12:11 PM), <https://x.com/FBIDirectorKash/status/1915800907318468626>.

Earlier that day, at 10:11 a.m., Patel had posted the same message on his X account, but he deleted it sometime prior to 10:44 a.m. for unknown reasons, before posting it again at 12:11 p.m.⁷ The 12:11 p.m. post remains on his @FBIDirectorKash X account.

Later that day, at 8:08 p.m., Patel used his @FBIDirectorKash X account to post a photo that depicted Judge Dugan in handcuffs with the caption “No one is above the law.”⁸ That message remains on his @FBIDirectorKash X account and is reproduced here:



Attorney General Bondi's Fox News Statements

On Friday afternoon, Attorney General Bondi discussed the arrest of Judge Dugan on Fox News, and made a number of statements in the course of her interview, including:

I found out about this the day it happened. We could not believe actually that a judge really did that. We looked into the facts in great depth. That's her picture up on the screen - Hannah Dugan - who is now in custody. You cannot obstruct a criminal case and really shame on her. It was a domestic violence case of all cases and she's protecting a criminal defendant over victims of crime.⁹ ...

⁷ Jordan Liles, *FBI Director Kash Patel deleted, then posted again on X about Milwaukee Judge Hannah Dugan's arrest*, Snopes, Apr. 25, 2025, <https://www.snopes.com/fact-check/milwaukee-judge-dugan-fbi-kash-patel/>.

⁸ FBI Director Kash Patel (@FBIDirectorKash), X (Apr. 25, 2025 8:08 PM), <https://x.com/FBIDirectorKash/status/1915920876215701639>

⁹ David Rutz, *AG Pam Bondi outraged at Wisconsin judge arrested for obstructing arrest of illegal immigrant*, [Fox News](https://www.foxnews.com/media/ag-pam-bondi-outraged-wisconsin-judge-arrested-obstructing-arrest-illegal-immigrant), Apr. 25, 2025, @3:05 mark, <https://www.foxnews.com/media/ag-pam-bondi-outraged-wisconsin-judge-arrested-obstructing-arrest-illegal-immigrant>.

She put the lives of our law enforcement officers at risk. She put the lives of citizens at risk. A street chase, which is absurd that that had to happen, but yes, she put a lot of people in danger.¹⁰ ...

What has happened to our judiciary is beyond me.¹¹ ... They [judges] are deranged is all I can think of. I think some of these judges think that they are beyond and above the law, and they are not, and we are sending a very strong message today ... if you are harboring a fugitive... we will come after you and we will prosecute you. We will find you.¹²

The following Monday morning, Attorney General Bondi appeared on Fox News, stating that "[Judge Dugan] jeopardized the lives of law enforcement officers, even the defendant, by doing this. They had to have a chase down the street while victims of a crime were sitting in a courtroom," Bondi said, calling the judge's actions "absurd." "I say the victims of crime should be very happy today because these victims of crimes, they deserve justice. This is a criminal judge sitting on a criminal bench," Bondi added.¹³

Relevant Federal Regulations and DOJ Policy

Your office previously explained that DOJ regulations contain "strict limitations" that prohibit Departmental personnel, including the FBI Director and the Attorney General, from making public statements that could influence the outcome of a future trial or that could be highly prejudicial.

In all criminal matters, federal regulations bar Departmental personnel from "furnish[ing] any statement or information...if such a statement or information may reasonably be expected to influence the outcome of...a future trial." 28 C.F.R. § 50.2(b)(2). The regulation also provides that "where information relating to the circumstances of...an investigation would be highly prejudicial or where the release thereof would serve no law enforcement function, such information should not be made public." 28 C.F.R. § 50.2(b)(3).

The regulations permit, subject to limitations, some facts to be released publicly, including a defendant's name, age, and similar background information, the substance of the charges at issue, specified details regarding an investigation, and the circumstances surrounding an arrest. See 28 C.F.R. § 50.2(b)(3). But while permitting this limited

¹⁰ *Id.* at @7:40 mark.

¹¹ *Id.* at @8:17 mark.

¹² *Id.* at @8:35 mark.

¹³ Nikolas Lanum, *Pam Bondi offers new details on Colorado nightclub raid, Wisconsin judge who allegedly aided illegal immigrant*, Fox News, Apr. 28, 2025, <https://www.foxnews.com/media/pam-bondi-offers-new-details-colorado-nightclub-raid-wisconsin-judge-aided-illegal-immigrant>

release, the regulation specifies that the Department personnel making the public “disclosures should include only incontrovertible, factual matters, and should not include subjective observations.” *Id.* These strict limitations “shall apply to the release of information to news media from the time a person is the subject of a criminal investigation until any proceeding resulting from such an investigation has been terminated by trial or otherwise.” 28 C.F.R. § 50.2(b)(1). A Department official explained to the OIG that “otherwise” included criminal actions ended when the Department declines to prosecute.¹⁴

In addition to federal regulations, Departmental personnel, including the FBI Director and the Attorney General, are subject to DOJ's Confidentiality and Media Contacts Policy. U.S. Justice Manual 1-7.000. This policy governs the protections and release of information that DOJ personnel obtain in the course of their work and balances the following interests: an individual's right to a fair trial or adjudicative proceeding; an individual's interest in privacy; the government's ability to administer justice and promote public safety; and the right of the public to have information about the Department of Justice.

Central to DOJ's Confidentiality and Media Contacts Policy are concerns that the “release of certain types of information could prejudice an adjudicative proceeding.” Accordingly, DOJ personnel are instructed to “refrain from disclosing the following, except as appropriate in the proceeding or in an announcement after a finding of guilt: Observations about a defendant’s or party’s character; . . . Statements concerning anticipated evidence or argument in the case; and Any opinion as to the defendant’s guilt, or the possibility of a plea of guilty to the offense charged, or the possibility of a plea to a lesser offense.” U.S. Justice Manual 1-7.610.

In addition, DOJ personnel are expressly admonished to “not encourage or assist news media in photographing or televising a person held in custody. DOJ personnel should not voluntarily disclose a photograph of a defendant unless it serves a law enforcement function or unless the photograph is already part of the public record in the case.”

DOJ's Confidentiality and Media Contacts Policy also requires DOJ personnel to include a disclaimer in its news releases for criminal matters that are issued before a finding of guilt. The disclaimer must state that the “charge is merely an accusation, and the defendant is presumed innocent until proven guilty.” U.S. Justice Manual 1-7.500.

Request for Investigation

FBI Director Patel's social media posts and Attorney General Bondi's Fox News comments appear incendiary. In particular, Patel's post that “no one is above the law” with its photograph of

¹⁴ Office of the Inspector General, U.S. Department of Justice, *A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election*, June 2018, at 19, https://d3i6fh83elv35t.cloudfront.net/static/2018/06/2016_election_final_report_06-14-18_0-2.pdf.

Judge Dugan in handcuffs being led away by law enforcement officials in a "perp walk" towards a waiting motor vehicle, not only appears to violate DOJ's media policy on use of photographs, but seems designed to inflame rather than convey an impartial and accurate accounting of the facts and charges. Likewise, Bondi's observations and opinions that Judge Dugan was putting law enforcement and citizens "at risk," "protecting a criminal defendant over victims of crime," as well as "shaming" Judge Dugan, criticizing her as "absurd," and accusing her of being "deranged," appear "subjective" and to go well beyond the type of "incontrovertible, factual matters" permitted under DOJ regulation and policy.

Moreover, neither FBI Director Patel nor Attorney General Bondi provided a meaningful disclaimer to make it abundantly clear that the charges being brought against Judge Dugan are mere accusations that have yet to be proved in a court of law. They further failed to make clear that Judge Dugan is presumed innocent until proven guilty. Under these circumstances, FBI Director Patel's social media posts and Attorney General Bondi's Fox News interview statements appear highly prejudicial and designed to influence the outcome of her trial.

Based on the foregoing, we respectfully request that your office investigate recent social media posts and Fox News statements made by FBI Director Patel and Attorney General Bondi to determine if they violated applicable DOJ regulations and policy designed to protect Judge Dugan's right to a fair trial and her privacy interests.

Respectfully submitted,

/s/

Norman Eisen
Executive Chair
State Democracy Defenders Fund

/s/

Lisa Gilbert
Co-President
Public Citizen

/s/

Virginia Canter
Ethics and Anticorruption Chief Counsel
State Democracy Defenders Fund

/s/

Craig Holman
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