CREW

CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

November 23, 2026

The Honorable Platte B. Moring III
Inspector General
U.S. Department of Defense
Office of the Inspector General
4800 Mark Center Drive
Alexandria, VA 22350-1500

Re: Potential legal violations of federal appropriations and ethics laws related to campaign-like video issued by Secretary Pete Hegseth using agency resources

Dear Inspector General Moring,

Citizens for Responsibility and Ethics in Washington ("CREW") respectfully requests that the U.S. Department of Defense's Office of Inspector General ("DOD OIG") investigate potential violations of federal appropriations laws, the Hatch Act and any other relevant violations of federal law related to the agency's reported production of a video featuring Secretary Pete Hegseth as "part of a highly unorthodox Defense Department messaging campaign" following the recent midterm elections.[1]

A framework of federal laws clearly prohibits the use of federal funds and appearance of government employees in their official capacity for partisan political messaging and propaganda. We urge your office to investigate the circumstances of this video, including whether the funding and production of the advertisements comply with federal laws related to the use of federal funds for partisan political purposes, the prohibition on lobbying with federal funds and the Hatch Act's prohibition on officials' use of their position to support or oppose a political party.

I. Factual background

On November 5, 2026, Secretary Hegseth used his official X account, @SecWar, to post a video of him delivering a message to viewers while appearing to stand in front of a building labeled "Department of War" (as the president calls the Department of Defense).[2] The video was posted just two days after the midterm elections, the reaction to which

[1] Tara Copp, *Hegseth draws fire after using government resources for partisan video*, Wash. Post (Nov. 6, 2026), https://tinyurl.com/3sw9xrha.
[2] Sec'y of War Pete Hegseth (@SecWar), X (Nov. 5, 2026, at 3:03 PM), https://x.com/SecWar/status/2118433945746366605?s=20.

included public calls for accountability related to "the unpopular Iran war" and a then-pending vote on Secretary Hegseth's impeachment.[3]

During Secretary Hegseth's video, he specifically drew attention to his message as one officially representing the administration and his agency, stating,

> As you know, ever since I walked up these very steps nearly two years ago, President Trump's War Department has never been afraid to lead the way. Just like the president, we don't back down, and that especially applies now. The next few months and years are critical for our department and our republic. This is about the president's America First agenda. This is about our department's peace through strength agenda.[4]

He then pivoted to a message disparaging the opposing political party, saying, "But why do the Democrats and the deep state radicals really hate us? Because we tore down their sacred cows, one by one and without apology."[5]

Secretary Hegseth then expressly called for members of Congress to vote to pass legislation funding a reconciliation bill:

> We will do the hard work to ensure it under the leadership of President Trump. You see, because regardless of how people feel about the war, which I believe is a courageous and historic effort that will ensure Iran never gets a nuclear weapon, we need to continue as President Trump did in his first term, to rebuild our military. That requires funding. And the Department of War must be funded to meet the moment right now. That includes a generational investment, a reconciliation bill of at least $350 billion dollars, to keep this department, our country, way ahead in a dangerous world. We need every vote, from every patriotic member of Congress.[6]

Secretary Hegseth's campaign-style video characterized his message as fighting the opposition in Congress to protect himself and the administration against the messaging of congressional Democrats to seek accountability:

> You see, they attack me, they attack us, because we are effective. It's not going to work. We will not back down. We put America and the warfighter first, always and without apology. And that fight continues in the lame duck Congress, especially our historic and vitally important budget. You see, Joe Biden and Lloyd Austin left our country and this department in a terrible place. And we have had to fight every single day to restore it. [...]

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[3] Elizabeth Elkind, Ashley J. DiMella & Morgan Phillips, *Hegseth faces bipartisan impeachment threat after Iran war gets blame for GOP midterm slaughter*, Fox News (Nov. 5, 2026), https://tinyurl.com/4axacaky; Dan Lamothe et al., *'Knives out' for Hegseth, other military leaders after Iran war dooms GOP*, Wash. Post (Nov. 5, 2026), https://tinyurl.com/2cp8ehf5.
[4] Sec'y of War Pete Hegseth, *supra* note 2.
[5] *Id.*
[6] *Id.*

> This is not about me. But of course the other side, in case you've noticed, they're obsessed. A disgruntled, defeated congressman along with all his Democrat allies has also dropped sham articles of impeachment against yours truly, just like they tried against President Trump, twice. You see, their policies don't work so their obsession with political theater disguised as power drives them to try to destroy their opponent [...] It didn't work against President Trump and it won't work with me.[7]
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> The closing remarks unequivocally celebrated the president:
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> As always, President Trump leads the way. In service of our nation, he has endured more than anyone can fathom. He literally took a bullet for this nation. He shook his fist and said fight, fight, fight. And so will we. And I'll assure you we have only just begun to fight. We are more determined than ever, more resolute than ever, to finish what we have started. We will stand, we will fight and we will defend this republic.[8]

II. Legal analysis

A. Appropriations law

Potential violations of the Antideficiency Act

The Antideficiency Act prohibits agencies from obligating or expending federal funds in excess of those appropriated by Congress.[9] It requires agencies to "immediately" report such violations, along with "all relevant facts and a statement of actions taken," to "the President and Congress," and to transmit a copy of that report "to the Comptroller General."[10] Violations of the Act can result in administrative and, in some cases, criminal penalties.[11]

To the extent that DOD used appropriated funds in violation of specific appropriations prohibitions outlined below, it may have violated the Antideficiency Act, and therefore would need to report the violations to the President and Congress, with a copy to the Comptroller General.[12] The agency must also "determine the cost associated with the prohibited conduct and include the amount in its report of its Antideficiency Act violation."[13]

Potential violations of the Purpose Statute

The Purpose Statute provides "[a]ppropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."[14] While appropriations laws often permit the dissemination of information "relevant to the agency and administration," this does not mean that "agencies may use appropriated funds to

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[7] *Id.*
[8] *Id.*
[9] 31 U.S.C. § 1341(a)(1)(A).
[10] *Id.* § 1351.
[11] *See id.* §§ 1349, 1350.
[12] *See* U.S. Env't Prot. Agency—Application of Publicity or Propaganda and Anti-Lobbying Provisions, B-326944, at 26, (Dec. 14, 2015), https://www.gao.gov/assets/680/674163.pdf.
[13] *Id.*
[14] 31 U.S.C. § 1301(a).

communicate with the public about any issue, even one outside of its purview, just because it is important to the current administration."[15] Rather, "an agency's authority to use its appropriations to communicate with the public about any administration priority must be firmly rooted in the language of the appropriation or the agency's enabling or authorizing legislation."[16] For example, the U.S. Government Accountability Office ("GAO") found that the U.S. Department of Energy violated this rule when it tweeted about healthcare legislation, because the agency failed to show a "reasonable and logical relationship between tweeting about health care and the purposes of its Departmental Administration appropriation."[17]

The same is true here. Nothing in DOD's appropriation or enabling legislation appears to authorize it to disseminate material that simply promotes President Trump and the Trump administration, while attacking opponents in Congress and the Democratic Party.

Potential violations of the prohibition on use of appropriations for unauthorized "publicity or propaganda"

A government-wide provision of federal appropriations law, most recently appearing in the "Consolidated Appropriations Act, 2026" and carried forward by the "Continuing Appropriations and Extensions Act, 2027," provides that "[n]o part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress."[18]

According to GAO, the prohibition on publicity or propaganda is "not applicable to the dissemination to the general public, or to particular inquirers, of information reasonably necessary to the proper administration of the laws for which an agency is responsible."[19] It instead applies to "three categories of agency communications: (1) self-aggrandizement, (2) covert communications or propaganda, and (3) purely partisan activities."[20] At issue here are the first and third categories.

An agency's communications constitute "self-aggrandizement" where they "emphasize the importance of the agency or a particular person or program."[21] "For example, an agency would be prohibited from obligating or expending appropriated funds to issue a press release that attempted "to persuade the public as to [its] importance . . . as a Government agency.'"[22] Here, the video does little more than "emphasize the importance of" the DOD and Secretary Hegseth's leadership of it, and pay tribute to President Trump. The

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[15] U.S. Dep't of Energy—Tweet Concerning the Secretary of Energy's Guest Column on Health Care, B-329373, at 4-5 July 26, 2018), https://www.gao.gov/assets/700/693434.pdf.
[16] *Id.* at 5.
[17] *Id.*
[18] Pub. L. No. 119-75, § 718, 140 Stat. at 495 (Feb. 3, 2026), https://tinyurl.com/3aey4dmkf; Pub. L. No. 119-103, § 101, 140 Stat. at 988 (Sept. 2, 2026), https://tinyurl.com/4j88wf28.
[19] U.S. Env't Prot. Agency—Application of a Publicity or Propaganda Provision to an EPA Tweet, B-330107, at 3 (Oct. 3, 2019), https://www.gao.gov/assets/710/701928.pdf.
[20] *Id.*
[21] *Id.* at 3.
[22] Medicare Prescription Drug, Improvement, and Modernization Act of 2003—Use of appropriated funds for flyer and print and television advertisement, B-302504, at 7-8 (Mar. 10, 2004), https://www.gao.gov/assets/380/370969.pdf.

video promotes the secretary's point of view of his leadership of an agency responsible for executing the president's war with Iran, after that issue was cited as a reason for Republican losses in the election.[23] It is devoid of any "information reasonably necessary to the proper administration of the laws for which [DOD] is responsible."[24]

"Engaging in a purely political activity . . . is not a proper use of appropriated funds."[25] Thus, appropriated funds cannot be used to benefit one political party,[26] including "in a general propaganda effort designed to aid a political . . . candidate[]."[27] "Communications are purely partisan in nature if they are entirely political and are completely devoid of any connection to the official business of the agency."[28] The creation and distribution of this video, timed in response to definitive election results that have been perceived as a public rebuke of the administration's Iran war policy and in anticipation of the introduction of articles of impeachment of Secretary Hegseth as the official in charge of executing that policy, is devoid of any connection to the business of the agency and instead focused on attacking a political party and its agenda.[29]

B. The Hatch Act

Congress passed the Hatch Act in 1939 to address the "scandalous political manipulations of Federal relief appropriations . . . ." for partisan purposes.[30] As OSC has noted in a recent complaint, the United States Supreme Court "has recognized that one of Congress's goals in passing the Hatch Act was to ensure that government programs are administered in a nonpartisan manner."[31] In 1973, the Supreme Court affirmed the constitutionality of the Hatch Act, writing that government employees "are expected to enforce the law and execute the programs of the Government without bias or favoritism for or against any political party or group or the members thereof."[32] OSC has reinforced this point, stating that the Hatch Act's purposes include "to ensure that federal programs are administered in a nonpartisan fashion [and] to protect federal employees from political coercion in the workplace," among others.[33]

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[23] Josh Dawsey, *Trump Acknowledges Iran War Is Partly to Blame for Republican Losses*, Wall St. J. (Nov. 4, 2026), https://tinyurl.com/4whknrwk; Madeline Halpert, *Vance says Republicans lost big because of Iran war: 'Everyone knows why we lost,'* BBC (Nov. 4, 2026), https://tinyurl.com/ysdcvtdf.
[24] B-330107, *supra* note 19.
[25] U.S. Dep't of Ed.—No Child Left Behind Act Video News Release and Media Analysis, B-304228, at 9 (Sept. 30, 2005), https://www.gao.gov/assets/b-304228.pdf.
[26] *Id.* at 11 (holding that "there were no appropriations available for analyzing the media and public's opinion concerning the Republican Party's (or any other political party's) commitment to education").
[27] B-147578 (Nov. 8, 1962), https://www.gao.gov/assets/890/882349.pdf; *see also* B-330107, at 3, *supra* note 19 ("Agency communications that are designed to aid a political party or candidate are prohibited.").
[28] Executive Agencies—Communications about the 2019 Fourth of July Events on the National Mall, B-331262, at 4 (June 17, 2020), https://www.gao.gov/assets/710/707666.pdf.
[29] *See, e.g.*, Tom Howell, Jr., *Trump, rebuked by voters, weighs post-election options on Iran*, Wash. Times (Nov. 9, 2026), https://tinyurl.com/yubb5efx.
[30] 84 Cong. Rec. 9598 (July 20, 1939) (statement of Rep. Taylor).
[31] Complaint for Disciplinary Action, *Special Counsel v. Washington*, M.S.P.B. (Feb. 12, 2025), https://s3.documentcloud.org/documents/25520661/25.pdf.
[32] *U.S. Civil Serv. Comm'n v. Nat'l Ass'n of Letter Carriers*, 413 U.S. 548, 565 (1973).
[33] *Hatch Act Overview*, U.S. Off. of Special Couns., https://www.osc.gov/services/hatch-act/overview/ (last visited Nov. 20, 2026).

To meet these purposes, the Hatch Act not only prohibits executive branch officials from using their official authority or influence to interfere or influence the result of an election, but also prohibits any executive branch employee from engaging in partisan political activities while on duty or in the workplace.[34] Activities covered by this prohibition include the official "[u]sing his or her official title while participating in political activity."[35] "Political activity" is defined as "an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group."[36]

OSC has clearly stated, "Criticism or praise that is directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group is political activity. [...] There are no "magic words" of express advocacy necessary in order for statements to be considered political activity under the Hatch Act.[37] Just after this year's midterm elections, OSC issued guidance confirming its longstanding interpretation that some of the Hatch Act's restrictions apply even after Election Day is over, including the bar on expressing opposition to a political party while on duty or at a federal workplace.[38] This prohibition tracks through a number of examples of potential Hatch Act violations that OSC has interpreted as political activity in the workplace, including distributing emails with partisan political messages to others, which is prohibited year-round under the Hatch Act.[39]

While Secretary Hegseth did discuss administration policy and agency priorities, OSC has clearly stated that "discussion that appears to be about current events or policy issues can be political activity," even if it does not include "express advocacy for or against a political party."[40] According to OSC, when an agency hosts a discussion about "politically charged topics," officials may express "opinions about issues, even if politically charged, such as healthcare reform, gun control, or abortion, because such expressions do not constitute political activity. However, such expressions would constitute political activity if tied to candidates or political parties."[41]

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[34] 5 U.S.C. § 7323(a)(1).
[35] 5 C.F.R. § 734.302(b)(1).
[36] 5 C.F.R. § 734.101.
[37] U.S. Off. of Special Couns., Clarification of November 27, 2018 Email (Nov. 30, 2018), https://www.osc.gov/~assets/docs/advocating-resistance-and-impeachment-at-work.pdf (last visited Nov. 10, 2026).
[38] U.S. Off. of Special Couns. (@US_OSC), X (Nov. 6, 2026 at 9:43 AM), https://x.com/US_OSC/status/2118715833299918972.
[39] *Hatch Act FAQs, Federal Employees: Activity in the Workplace, "May a federal employee while on duty or in the workplace send or forward a partisan political email from his government email account or his personal email account to others?"*, U.S. Off. of Special Couns., https://www.osc.gov/services/hatch-act/faq/ (last visited Nov. 10, 2026); *Hatch Act FAQs, Federal Employees: Social Media, "May a federal employee use a Facebook or Twitter account in his official capacity to engage in political activity?"*, U.S. Off. of Special Couns., https://www.osc.gov/services/hatch-act/faq/ (last visited Nov. 10, 2026).
[40] Letter from Ana Galindo-Marrone, Chief, Hatch Act Unit, U.S. Off. of Special Couns. to Redacted, (May 2, 2022), https://www.osc.gov/~assets/docs/hatch-act-advice-on-workplace-discussions.pdf.
[41] Letter from Ana Galindo-Marrone, Chief, Hatch Act Unit, U.S. Off. of Special Couns. to Redacted, (Mar. 17, 2020), https://www.osc.gov/~assets/docs/agency-hosting-lecture-on-politically-charged-topics.pdf.

Secretary Hegseth's video message amplified the same type of rhetoric used during the campaign, disparaging Democrats as a party, and vowed opposition to the Democrats' agenda. His choice to deliver remarks while tying the discussion to a political party, expressing his opposition to a political party and a promise to fight that party in his official capacity crossed the line of permissible activities under the Hatch Act.

III. Areas for investigation

Although the election was over when Secretary Hegseth released this video, the content of the video nonetheless contained partisan content that appears to have violated appropriations law and potentially the Hatch Act. The video did not use express language seeking particular outcomes, but the partisan messaging and propaganda in the video is unmistakable. Its message was clear in its appeal to viewers: support and reverence for the president and the administration with disdain for their opposition and defiance of the efforts of a political party to pursue its stated agenda.

CREW asks DOD OIG to use its authority to investigate the agency's provision of funding, creating, distributing or any other support for this video to determine whether the agency or its officials violated appropriations or ethics laws. Specifically, we urge DOD OIG to investigate and provide public notice of their findings regarding the following questions:

1. How was this video funded by the agency and what was the specific appropriation or appropriations charged?
2. Was DOD the sole source of funding for the video?
3. What is the total amount of appropriated funds used on this project, including the cost to facilitate these actions?[42]
4. Did any agency officials consult with agency counsel on appropriations and ethics laws, and what advice was provided regarding the agency's use of funds or agency resources for this purpose?
5. Were any White House officials or other agencies involved in the funding, creation or distribution of the video?
6. Did any DOD officials object to the agency's role in the video and were any employees overruled or retaliated against?
7. Has Secretary Hegseth received general training or specific guidance regarding his obligations under the Hatch Act?
8. Did any other employees have a role in framing the message of the video related to a political party?

IV. Conclusion

Since this video was released, the public response has reflected the impropriety of this use of federal resources and government position for partisan purposes. Members of Congress in each of the major political parties have agreed that this type of messaging has no place in federal agencies, which are subject to a range of laws intended to maintain the

[42] *See, e.g.*, *Neguse v. U.S. Immigr. & Customs Enf't*, 822 F. Supp. 3d 86, 106 (D.D.C. 2026) (explaining in the context of another appropriations rider that it was proper to consider costs such as the "paper[] or buildings" used to facilitate the actions).

government's neutrality in partisan politics.[43] The American people's tax dollars must be used for government programs that will improve their lives and circumstances, rather than being spent so that a senior administration official can attempt to save his job. A prompt and thorough investigation of the circumstances and content of this video will ensure that the public can trust that the agency is holding its officials and itself accountable for the stewardship of taxpayer funds.

CREW greatly appreciates your prompt attention to this matter.

Sincerely,



Donald K. Sherman
President and Chief Executive Officer

Cc: Office of Special Counsel, Hatch Act Unit

[43] *See, e.g.*, Ahmad Austin, Jr., *Thom Tillis Slams Hegseth for 'Campaign Style' Video in Wake of Midterm Disaster - Compares Him to Kristi Noem*, Mediaite (Nov. 6, 2026), https://tinyurl.com/335tac97; *Democrat slams Hegseth's 'ridiculous' social media rant*, CNN (Nov. 5, 2026), https://tinyurl.com/2nczxaft.