



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

October 13, 2025

The Honorable Jamieson Greer
Acting Special Counsel
Office of Special Counsel
1730 M Street, NW
Suite 218
Washington, DC 20036-4505

Re: Ongoing Hatch Act Violations by Current Administration Officials in Official
Statements Related to the Upcoming New York City Mayoral Election

Dear Mr. Greer:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that the Office of Special Counsel (“OSC”) investigate a series of official statements made by senior members of President Trump’s administration that appear to violate the Hatch Act when they have been discussing the upcoming New York City mayoral election in November 2025. As detailed below, these officials expressed partisan political views related to a current candidate in that election during interviews and on social media, while appearing in their official government capacity. By engaging in discussion regarding the success or failure of a partisan political candidate, they have engaged in political activity prohibited by law. We therefore are referring several examples below that illustrate the larger problem, with the request that OSC investigate, as it has in the past, officials’ compliance with the Hatch Act’s prohibition on their use of their official authority or influence to interfere with or affect the outcome of a partisan election.¹

Factual Background

Several prominent members of the Trump administration have made statements in their official capacity concerning the upcoming New York City mayoral election in November 2025. CREW previously filed a complaint with your office in August 2025 regarding Secretary of Commerce Howard Lutnick’s comments about the mayoral race—advocating for the defeat of a candidate for partisan election—during a television

¹ *OSC Issues Hatch Act Report Documenting Violations by 13 Senior Trump Administration Officials, Including at the 2020 Republican National Convention*, U.S. Off. of Special Couns. (Nov. 9, 2021), <https://osc.gov/News/Pages/21-02-Hatch-Act-Report-RNC.aspx>.

interview in his official capacity.² Similar conduct has continued as the mayoral election approaches, including these specific examples from President Trump's most senior advisors:³

- White House Press Secretary Karoline Leavitt held a press briefing on June 30, 2025 in which she answered questions about current mayoral candidate Zohran Mamdani, stating that President Trump “certainly [...] does not want this individual to be elected.”⁴ She further elaborated that she spoke to the president about “[Mamdani’s] radical policies that will completely crush New York City....”⁵ She also later inserted her own opinion concerning Mamdani’s potential election, stating “[h]opefully the voters of New York City choose wisely.”⁶ The comments were made as official statements during Ms. Leavitt’s White House press briefing in the James S. Brady Press Briefing Room in the White House while standing in front of the White House seal.⁷
- Secretary of Homeland Security Kristi Noem made comments during a television interview in her official capacity, in which she discussed the work that her agency was doing in New York City and the impact of the mayoral election on its future success.⁸ During the interview, the host addressed her as “Madam Secretary” and her name and title as “DHS Secretary” appeared in the chyron.⁹ Secretary Noem stated

² Letter from Donald Sherman, CREW, to Jamieson Greer, U.S. Off. of Special Couns., Re: Violation of the Hatch Act by Secretary of Commerce Howard Lutnick (Aug. 13, 2025), <https://www.citizensforethics.org/legal-action/legal-complaints/crew-files-hatch-act-complaint-against-howard-lutnick/>.

³ See also Jose Pagliery, *Trump’s Homeland Security Council Sets Its Sights on Zohran Mamdani*, NOTUS (July 2, 2025), <https://www.notus.org/trump-white-house/zohran-mamdani-homeland-security-trump> (summarizing comments made by members of the Homeland Security Advisory Council discussing the mayoral race, including a statement that “[w]e have somebody running for mayor ... that applauds the very same philosophy and people that [carried out the 9/11 attacks]. [...] We need to send a bigger message to the American public of the danger that poses.”); Nathaniel Meyersohn, *Trump’s policies have already hurt New York City. Now he’s threatening a federal takeover of the city*, CNN (Aug. 15, 2025), <https://www.cnn.com/2025/08/15/business/trump-new-york-city-mamdani> (quoting White House spokesperson Kush Desai, “If New York Democrats stopped abetting violent crime and got out of the way of productive enterprise instead of putting forward radical communists like Zohran Mamdani, New York could be booming under President Trump, too.”).

⁴ The White House, *Press Secretary Karoline Leavitt Briefs Members of the Media, June 30, 2025*, (June 30, 2025), <https://www.whitehouse.gov/videos/press-secretary-karoline-leavitt-briefs-members-of-the-media-june-30-2025/>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Taylor Penley, *Kristi Noem rebukes NYC mayoral candidate Zohran Mamdani over ICE ‘abduction’ claims*, FOX NEWS (Aug. 6, 2025), <https://www.foxnews.com/media/kristi-noem-rebukes-nyc-mayoral-candidate-zohran-mamdani-over-ice-abduction-claims>.

⁹ *Id.*

“[w]e’ve done so much work there, as ICE and officers and federal law enforcement officers” and “we need to continue to do that work and we need a mayor that will work with us and have our backs when we’re out there [...]”¹⁰ She continued, “[i]f [Mamdani] were elected, New York City would be a train wreck and those poor families would have nowhere to go for help.”¹¹

- Secretary of the Treasury Scott Bessent has made public comments in his official capacity that pejoratively characterized current mayoral candidate Zohran Mamdani on several occasions,¹² including an interview with Maria Bartiromo on Fox Business channel on September 24, 2025. During that interview, he was introduced in his official capacity as “U.S. Treasury Secretary” and while responding to a question about the administration’s support for Argentina’s economic reforms,¹³ Secretary Bessent pivoted to address the New York City mayoral race, calling Mamdani an “American Peronist.”¹⁴ He stated that Mamdani’s goal, if elected, was “to do to the U.S. economy what the Perons, the general and Evita, did to the U.S. They want to take control. So, and I guarantee you, I guarantee you, and there are not a lot of things in life that are sure, that New York City will be coming to the federal government for a bailout if the Mamdani plans are implemented.”¹⁵ In response to a follow-up question of whether he “would give that bailout,” Secretary Bessent stated that he would respond, “drop dead.”¹⁶
- White House Senior Counselor for Trade and Manufacturing Peter Navarro has posted numerous messages criticizing current mayoral candidate Zohran Mamdani on his X account, which prominently identifies him by his government title in the

¹⁰ *Id.*

¹¹ *Id.*

¹² Treasury Secretary Scott Bessent (@SecScottBessent), X (Sept. 23, 2025, at 11:15 AM), <https://x.com/SecScottBessent/status/1970507330895646924> (stating “[t]he destructive economic policies [Senator Elizabeth Warren] has championed since joining the Senate in 2008 rival the failed leftist agenda of the Argentine opposition. Should her political soulmate and fellow American Peronist, @ZohranKMamdani, become Mayor of New York City, I am sure that the Senator will be calling for a bailout when he drives the City into bankruptcy.”); Jasmyn Jordan, *Exclusive-Bessent Warns of ‘Caracas on the Hudson’ as Young Voters Turn to Socialism: ‘They’re Disillusioned with the System’*, Breitbart (July 30, 2025), <https://www.breitbart.com/politics/2025/07/30/exclusive-bessent-warns-of-caracas-on-the-hudson-as-young-voters-turn-to-socialism-theyre-disillusioned-with-the-system/>; Samantha-Jo Roth, *Republicans seize on Zohran Mamdani as new leftist bogeyman at evangelical summit*, Wash. Examiner (June 27, 2025), https://www.washingtonexaminer.com/news/campaigns/3456810/republicans-zohran-mamdani-bogeyman-evangelical-summit/#google_vignette.

¹³ Amanda Macias, *Treasury’s Bessent warns NYC: No bailout under Mamdani - ‘drop dead’*, FOXBusiness (Sept. 24, 2025), <https://www.foxbusiness.com/politics/treasurys-bessent-warns-nyc-no-bailout-under-mamdani-drop-dead>.

¹⁴ Aaron Rupa (@atrupar), X (Sept. 24, 2025, at 10:39 AM), <https://x.com/atrupar/status/1970860598893093077>.

¹⁵ *Id.*

¹⁶ *Id.*

header.¹⁷ The account image is a headshot photo of Mr. Navarro wearing a suit, posing in front of the American flag, and his profile describes him as “Senior Counselor for Trade and Manufacturing | 45 & 47.”¹⁸ In one example, Mr. Navarro posted from this account that “Mamdani’s ... reckless policies will bankrupt NYC and put innocent lives at risk.”¹⁹ In another post, he stated that current mayoral candidate Andrew Cuomo “will be far better for the Big Apple than the anti-Semite communist Mamdani. So let’s see what happens.”²⁰

¹⁷ Peter Navarro (@RealPNavarro), X (Sept. 9, 2025, at 12:11 PM), <https://x.com/RealPNavarro/status/1965448052661264863>. Mr. Navarro also maintains a website, to which he points his X account followers “for all the breaking news,” appearing to be another indicator that his account is used for communications from his official capacity. Peter Navarro (@RealPNavarro), X (Oct. 8, 2025, at 11:36 AM), <https://x.com/RealPNavarro/status/1975948538300535100> (sending readers to peternavarro.com). The website’s homepage includes an image in the top corner of an eagle behind a shield, holding a branch of leaves in one claw and a collection of arrows in the second, appearing like a silhouette of the central image of the seal of the president. The homepage displays an image of Mr. Navarro beside his name, and identifies him as “Senior Counselor to the President.” Furthermore, the website’s menu bar includes a link to “WH Updates,” a page which includes content related to the White House.

¹⁸ *Id.*

¹⁹ Peter Navarro (@RealPNavarro), X (Sept. 9, 2025, at 12:11 PM), <https://x.com/RealPNavarro/status/1965448065378328836>.

²⁰ Peter Navarro (@RealPNavarro), X (July 22, 2025, at 8:00 PM), <https://x.com/RealPNavarro/status/1947809029306388510>.



Peter Navarro
@RealPNavarro



Mamdani is nothing more than a con man—a communist positioning himself as a moderate, evoking the ghost of Hugo Chávez.

The son of a Columbia professor who admitted benefiting from “nepotism,” he calls himself a socialist while living in cosseted privilege.



12:11 PM · Sep 9, 2025 · 63K Views



112



246



697



17



Peter Navarro
@RealPNavarro



#12 My In Trump Time book revealed what a partisan pill Andrew Cuomo was during the pandemic -- and his nursing home carnage. But he will be far better for the Big Apple than the anti-Semite communist Mamdani. So let's see what happens.

8:00 PM · Jul 22, 2025 · 6,137 Views



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59



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While these examples illustrate specific statements directly given by executive branch officials, other unnamed executive branch officials who operate White House social media have posted previous statements from President Trump concerning the outcome of

the New York City mayoral race.²¹ In one post made by the Rapid Response 47 account, which describes itself as the “Official White House Rapid Response account,” the authors posted a screenshot of a Truth Social post in which President Trump wrote that Mamdani’s election would be “one of the best things to ever happen to our great Republican Party” and asked “what’s the point of voting for him? This ideology has failed, always, for thousands of years. It will fail again, and that’s guaranteed!”²²

As detailed below, these officials’ statements likely violate the Hatch Act.

Potential Violations

The Hatch Act prohibits any executive branch employee from “us[ing] his official authority or influence for the purpose of interfering with or affecting the result of an election.”²³ Activities covered by this prohibition include the official “[u]sing his or her official title while participating in political activity.”²⁴ “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.”²⁵

The Hatch Act’s prohibitions related to political activity apply regardless of whether an official is advocating for or against a particular outcome of an election and regardless of whether that election is federal, state or local. The critical elements of a violation require that the official uses their official authority such as their title and position and that the official engage in political activity, including remarks that advocate for a particular outcome in a partisan political election.

The statements highlighted in the factual record above were statements made in official appearances including interviews discussing administration policies and press briefings disseminating information on behalf of the administration. The social media posts were made on what appear to be either official accounts, *e.g.*, @SecScottBessent, or personal accounts that satisfy several factors OSC has identified sufficient to indicate the account is being used in the individual’s official capacity, including identifying the account holders as

²¹ See, *e.g.*, Rapid Response 47 (@RapidResponse47), X (July 8, 2025, at 1:19 PM), <https://x.com/RapidResponse47/status/1942634567892189350>; Rapid Response 47 (@RapidResponse47), X (Sept. 12, 2025, at 8:57 AM), <https://x.com/RapidResponse47/status/1966486277647122484>; Rapid Response 47 (@RapidResponse47), X (July 1, 2025, at 8:24 AM), <https://x.com/RapidResponse47/status/1940023786750832759>;

²² Rapid Response 47 (@RapidResponse47), X (Sept. 29, 2025, at 8:44 AM), <https://x.com/RapidResponse47/status/1972643722358931496>.

²³ 5 U.S.C. § 7323(a)(1).

²⁴ 5 C.F.R. § 734.302(b)(1).

²⁵ 5 C.F.R. § 734.101.

federal employees and often referencing or sharing material related to official activities.²⁶ For example, Secretary Bessent's X account uses a handle with his abbreviated title (@SecScottBessent), includes a profile image of his official headshot (posed in front of the flags of the United States and the Department of Treasury) and consistently posts messages related to administration policy, initiatives and activities (including reposting official messages from the president, Treasury Department and other administration officials).²⁷ Mr. Navarro's account likewise includes express and implied references to his official position, including his title in both the header (which includes an image of an eagle behind a shield holding a branch of leaves in one claw and a bunch of arrows in the other as a silhouette of the central image of the presidential seal) and in his profile (which also references President Trump's administrations, "45 & 47").²⁸

OSC has consistently enforced these prohibitions against senior officials in presidential administrations who have appeared in their official capacities on television interviews and other public appearances and made comments during those events advocating for the success or defeat of a current candidate for partisan political office.²⁹ It has done so to enforce the relevant prohibition on making statements in employees' official capacity at the highest level of seniority—whether the official is a cabinet secretary,³⁰ a press

²⁶ U.S. Off. of Special Couns., *Hatch Act Guidance on Social Media* (Feb. 2018), <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Social%20Media%20Guidance.pdf>.

²⁷ Treasury Secretary Scott Bessent (@SecScottBessent), X, x.com/SecScottBessent.

²⁸ Peter Navarro (@RealPNavarro), X, x.com/RealPNavarro.

²⁹ See U.S. Off. of Special Couns., *Report of Prohibited Political Activity under the Hatch Act OSC File No. HA-18-0966 (Kellyanne Conway)* (Mar. 6, 2018), [https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity%20Kellyanne%20Conway%20\(HA-18-0966\).pdf?csf=1&e=UhySSA](https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity%20Kellyanne%20Conway%20(HA-18-0966).pdf?csf=1&e=UhySSA); U.S. Off. of Special Couns., *Investigation of Political Activities by Senior Trump Administration Officials During the 2020 Presidential Election* (Nov. 9, 2021), <https://osc.gov/Documents/Hatch%20Act/Reports/Investigation%20of%20Political%20Activities%20by%20Senior%20Trump%20Administration%20Officials%20During%20the%202020%20Presidential%20Election.pdf> (highlighting eleven administration officials who violated the Hatch Act during official interviews or media appearances); Letter from Erica S. Hamrick, U.S. Off. of Special Couns., to Noah Bookbinder, CREW, Re: OSC File Nos. HA-22-000004 (Dec. 1, 2021), <https://www.citizensforethics.org/wp-content/uploads/2021/12/HA-22-000004.pdf> (confirming OSC's conclusion and actions taken regarding a Hatch Act violation by Press Secretary Jen Psaki); Letter from Charles N. Baldis, U.S. Off. of Special Couns., to President Trump, Re: OSC File No. HA-25-000080 (May 16, 2025), <https://osc.gov/Documents/Hatch%20Act/Reports/25.05.16%20Report%20of%20Prohibited%20Political%20Activity%20-%2000%27Malley.pdf> (confirming OSC's conclusion regarding a Hatch Act violation by Social Security Commissioner Martin O'Malley).

³⁰ See, e.g., U.S. Off. of Special Couns., *Report of Prohibited Political Activity Under the Hatch Act OSC File No. HA-16-3113 (Julian Castro)* (June 24, 2016), [https://www.osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity%20Julian%20Castro%20\(HA-16-3113\).pdf](https://www.osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity%20Julian%20Castro%20(HA-16-3113).pdf) (Sec'y of Hous. and Urb. Dev. Julian Castro);

secretary,³¹ an advisor to the president³² or spokesperson for the president³³ (including officials who repost political statements of the president, who is exempt from the Hatch Act³⁴). As the Office of Special Counsel has found, including recently in the case of President Biden's Press Secretary Jen Psaki, although the president is exempt from the Hatch Act, a spokesperson can violate the Hatch Act, even when expressing the president's views about a race for partisan office.³⁵ As OSC noted in 2021 in response to a a CREW complaint, Ms. Psaki's statement "that the president wanted former Governor McAuliffe to be the next governor of Virginia and they were going to do everything to help him, was directed at Mr. McAuliffe's success in the 2021 Virginia gubernatorial election. Accordingly, because Ms. Psaki engaged in political activity while speaking in her official capacity," OSC concluded that this statement "violated the Hatch Act's prohibition against using her official authority or influence to affect an election" and that standard should apply equally here.³⁶

OSC historically and consistently has carried out its duty to investigate and identify violations faithfully regardless of which president or party is in the White House. In the case of senior administration officials, OSC refers its determinations of violation to the president to take appropriate action, rather than enforce the violation itself.³⁷ Even in instances when an official who violated the Hatch Act has left government service and cannot be subject to disciplinary action, OSC follows its law enforcement process to establish a record of the violation and encourage the president to use its findings "to educate incoming officials to help ensure compliance with the Hatch Act."³⁸

³¹ See, e.g., Letter from Erica S. Hamrick, U.S. Off. of Special Couns., to Noah Bookbinder, CREW, Re: OSC File Nos. HA-22-000004, Dec. 1, 2021 (Press Secretary Jen Psaki).

³² See, e.g., U.S. Off. of Special Couns., *Report of Prohibited Political Activity Under the Hatch Act* OSC File No. HA-20-000279 (Peter Navarro) (Nov. 18, 2020), [https://www.osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity.%20Dr.%20Peter%20Navarro%20\(HA-20-000279\).pdf](https://www.osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity.%20Dr.%20Peter%20Navarro%20(HA-20-000279).pdf) (Assistant to the President and Dir. of the Off. for Trade and Mfg Pol'y Peter Navarro).

³³ See, e.g., U.S. Off. of Special Couns., *Report of Prohibited Political Activity Under the Hatch Act* OSC File Nos. HA-19-0631 & HA-19-3395 (Kellyanne Conway) (May 30, 2019), [https://www.osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity.%20Kellyanne%20Conway%20\(HA-19-0631%20&%20HA-19-3395\).pdf](https://www.osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity.%20Kellyanne%20Conway%20(HA-19-0631%20&%20HA-19-3395).pdf) (Couns. to the President Kellyanne Conway).

³⁴ See, e.g., Letter from Erica S. Hamrick, U.S. Off. of Special Couns., to Noah Bookbinder, CREW, Re: OSC File Nos. HA-17-4341 (Sept. 28, 2017), <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2017/10/03161101/DOC100217-10022017112049-1.pdf> (Ambassador Nikki Haley).

³⁵ Letter from Erica S. Hamrick, U.S. Off. of Special Couns., to Noah Bookbinder, CREW, Re: OSC File Nos. HA-22-000004 (Dec. 1, 2021), <https://www.citizensforethics.org/wp-content/uploads/2021/12/HA-22-000004.pdf>.

³⁶ *Id.*

³⁷ See 5 U.S.C. 1215(b).

³⁸ See, e.g., Letter from Henry J. Kerner, U.S. Off. of Special Couns., to President Biden, Re: OSC File No. HA-20-000091 (Feb. 12, 2021), <https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity.%20Carla%20Sands.%20HA-20-000091.pdf> (advising President Biden of a violation of a former appointee under the previous administration); Letter from Charles N. Baldis, Sen. Couns. And

The partisan political statements that have been made or posted by Trump Administration officials regarding current candidates for election in the upcoming New York City mayoral race are clearly political activity under the Hatch Act, issued in the speakers' official capacities, and therefore constitute violations that OSC should address to prevent continued noncompliance with the law.

Conclusion

The Hatch Act is intended to prevent federal employees from engaging in partisan political activity in their official capacity and effectively using the authority of the federal government to influence elections. The statute prohibits an employee from undertaking any activity directed toward the success or failure of a political candidate or a political party while using his official title or position. By making statements related to the success or failure of any current candidate in an upcoming partisan election through official statements, several administration officials appear to have violated the statute. As it did in response to a similar series of violations by senior officials related to the 2020 election, OSC should commence an immediate investigation into the conduct described in this letter and take any appropriate disciplinary action or referrals.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Sherman', with a long horizontal flourish extending to the right.

Donald Sherman
Executive Director and Chief Counsel

Designee of Acting Special Couns. Jamieson Greer, to President Trump, Re: OSC File No. HA-25-000080 (May 16, 2025) (advising President Trump of a violation of a former appointee under the previous administration).