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Director Patel, Acting Special Counsel Greer, and Special Agent in Charge Skiles:

On September 4, *The New York Times* reported that Steven Witkoff, Assistant to the President and Special Envoy for Peace Missions, met in Florida with New York City Mayor Eric Adams.¹ Adams is also currently running for re-election as Mayor of New York City. According to reports, Witkoff and members of the Trump Administration have held several discussions with Adams and his staff about dropping out of the race and taking a position with the Administration, including potentially as Ambassador to Saudi Arabia.² News articles have suggested this offer of employment was intended to incentivize Adams to drop out of the mayoral race.³

If true, these allegations may implicate federal law, including potential violations of 5 U.S.C. § 7323 and 18 U.S.C. § 600. An investigation of this conduct is necessary to preserve the integrity

¹ Nicholas Fandos, et al., *Adams Considers Dropping Out of Race After Secret Meeting in Florida*, N.Y. TIMES (Sept. 4, 2025), <https://www.nytimes.com/2025/09/04/nyregion/adams-trump-job-quits.html>.

² Dana Rubinstein, et al., *Adams Insists He's Running for Mayor Despite Saudi Ambassadorship Talks*, N.Y. TIMES (Sept. 5, 2025), <https://www.nytimes.com/2025/09/05/nyregion/eric-adams-saudi-arabia-ambassador.html>.

³ Dana Rubinstein, et al., *Trump Advisers have Discussed a Job for Adams if He Quits Mayor's Race*, N.Y. TIMES (Sept. 3, 2025), <https://www.nytimes.com/2025/09/03/nyregion/trump-adams-sliwa-quit-nyc-mayor.html>; Nick Reisman, et al., *NYC Mayor Eric Adams faces a decision: A Trump administration post to drop his reelection campaign*, POLITICO (Sept. 3, 2025), <https://www.politico.com/news/2025/09/03/a-trump-administration-position-to-leave-the-race-for-mayor-eric-adams-faces-a-decision-00542212>.

of both the federal nominations process as well as local elections. As a result, Democracy Defenders Fund (DDF) requests your prompt investigation of this matter.

Relevant Legal Authorities

Federal employees are covered by several restrictions on actions they may take to influence elections. Among these laws are several provisions of the Hatch Act that are set out in the federal personnel statutes at 5 U.S.C. §§ 7321, et seq. and in the criminal code in select provisions, including 18 U.S.C. § 600. As the Supreme Court said in 1973, “[a] major thesis of the Hatch Act is that to serve th[e] great end of Government—the impartial execution of the laws—it is essential that federal employees . . . not undertake to play substantial roles in partisan political campaigns . . .”⁴ The Hatch Act thereby “confirm[s] the judgment of history . . . that it is in the best interest of the country, indeed essential . . . that the political influence of federal employees on others and on the electoral process should be limited.”⁵

a. 5 U.S.C. § 7323

The Hatch Act “declares unlawful certain specified political activities of federal employees.”⁶ These limitations, excluding those that impose criminal liability, are set out in 5 U.S.C. chapter 73. These provisions apply to all federal employees, including employees of the White House.⁷

Among other things, the title 5 provisions of the Hatch Act provide that an employee may not “use his official authority or influence for the purpose of interfering with or affecting the result of an election.”⁸ Although the term “official authority or influence” is not defined by the statute, the legislative history supports a broad reading to cover any “power which [the employee] would not have were it not for his office.”⁹ This prohibition has therefore been read to reach actions such as attending partisan campaign events in an employees’ official capacity, commenting on elections during official media interviews, using one’s official title or authority to support or oppose a candidate, and providing non-public information to a candidate.¹⁰

⁴ *U. S. Civ. Serv. Comm’n v. Nat’l Ass’n of Letter Carriers, AFL-CIO*, 413 U.S. 548, 565 (1973).

⁵ *Id.* at 557.

⁶ *United Pub. Workers of Am. (C.I.O.) v. Mitchell*, 330 U.S. 75, 78 (1947).

⁷ See, e.g., *Citizens for Resp. & Ethics in Washington v. U.S. Off. of Special Couns.*, 480 F. Supp. 3d 118, 123 (D.D.C. 2020); *Hatch Act (5 U.S.C. § 7324)—Membership of White House Staff Member on Democratic National Committee*, 2 O.L.C. Op. 324 (Jan. 27, 1977); *Application of 18 U.S.C. § 603 to Contributions to The President’s Re-Election Committee*, 27 O.L.C. Op. 118 (May 23, 2003). Special Government employees (SGEs) and other employees who work only on an “irregular or occasional basis” are also covered by the title 5 provisions of the Hatch Act while they are “on duty.” 5 U.S.C. § 7321; 5 C.F.R. § 734.601. An SGE is considered on duty at any point in which they are in pay status or are “representing any agency or instrumentality of the United States Government in an official capacity.” 5 C.F.R. § 734.101.

⁸ 5 U.S.C. § 7323(a).

⁹ 86 Cong. Rec. 2347 (1940) (statement of Sen. Hatch).

¹⁰ See, U.S. OFFICE OF SPECIAL COUNSEL, REPORT OF PROHIBITED POLITICAL ACTIVITY UNDER THE HATCH ACT OSC FILE NO. HA-22-000173 (RACHAEL ROLLINS) (May 17, 2023), [https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Rachael%20Rollins%20\(HA-22-000173\).pdf](https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Rachael%20Rollins%20(HA-22-000173).pdf); U.S. OFFICE OF SPECIAL COUNSEL, REPORT OF PROHIBITED POLITICAL ACTIVITY UNDER THE HATCH ACT OSC FILE NOS. HA-19-0631 & HA-19-3395 (KELLYANNE CONWAY) (May 30, 2019), [https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Kellyanne%20Conway%20\(HA-19-0631%20&%20HA-19-3395\).pdf](https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Kellyanne%20Conway%20(HA-19-0631%20&%20HA-19-3395).pdf).

b. *18 U.S.C. § 600*

Section 600, title 18 of the United States Code was originally enacted in 1939 as part of the Hatch Act¹¹ and subsequently amended by the Federal Election Campaign Act of 1971 to make violation a criminal offense.¹² Section 600 provides that:

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined [under this title]...or imprisoned not more than one year, or both.¹³

In general terms, the law broadly prohibits any person from promising any benefit, including employment or appointment or “special consideration in obtaining” such employment, to any person “as consideration, favor, or reward for any political activity.”¹⁴ While the term “political activity” is not defined by the statute,¹⁵ the few courts that have considered the statute have read the term broadly to include all forms of partisan activity and such cases have made no distinction between federal and state political activity.¹⁶ For example, in *U.S. v. Pinter*, the Eight Circuit upheld the conviction of a Minnesota State representative on the Upper Great Lakes Regional Commission under 18 U.S.C. § 600 for offering employment to a secretary to engage in, among other things, partisan work related to election efforts in support of a candidate for the office of Mayor of Duluth, Minnesota.¹⁷ Likewise, the Office of Personnel Management has defined the term “political activity,” as that term is used in the non-criminal provisions of the Hatch Act, to

¹¹ Act of August 2, 1939, § 3, 53 Stat. 1147 (Aug. 2, 1939).

¹² Pub. L. No. 92-225, § 202, 62 Stat. 721.

¹³ 18 U.S.C. § 600.

¹⁴ *Id.*; *Effect of 18 U.S.C. § 600 on Proposal for Hiring Census Enumerators*, 4B O.L.C. Op. 454 (Feb. 28, 1980) (finding that the statute would be violated “if people were promised employment or special consideration for employment as census enumerators as an enticement or reward for future political activity or support of a party or candidate”).

¹⁵ Before 1980, a separate section of the U.S. Code, 18 U.S.C. § 591, provided definitions for certain terms used in 18 U.S.C. § 600. *See* 18 U.S.C. § 591 (1976). That provision did not define “political activity” and was removed by the Federal Election Campaign Act Amendments of 1979. Pub. L. No. 96-187, § 201(a)(1), 93 Stat. 1367 (Jan. 8, 1980).

¹⁶ 630 F.2d 1270, 1277, 1283 (8th Cir., 1980); *see also Matter of Panepinto*, 192 A.D.3d 21, 23 (2020) (upholding law license suspension for former New York State Senator who entered plea agreement with the FBI for violation of 18 U.S.C. § 600 when he sent a member of his “Senate office to offer [a] former staff member a financial payment or new employment in exchange for her agreement to refuse to participate in [an ethics] investigation”); *Matter of Convery*, 284 A.D.2d 557, 557 (2001) (upholding law license suspension for violation of 18 U.S.C. § 600 by “promising employment or other benefits to local government officials in New Jersey as consideration for political activity, specifically obtaining a zoning variance on behalf of respondent's client, in violation of the Hatch Act”).

¹⁷ *Pinter*, 630 F.2d at 1227.

include any “activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.”¹⁸

Discussion

Ambassadors are America’s highest-ranking foreign diplomats.¹⁹ Ambassadors generally serve as chief of mission within their country of assignment, with immense authority over U.S. government personnel located in country,²⁰ while also enjoying many other privileges.²¹ Ambassadors are provided with in-country housing for free, generally in expensive residences with a housing staff, personal drivers and security staff, private school tuition for children, and generally spend significant amounts of time engaged in hosting and attending social functions.²²

Due to the significant privileges associated with ambassadorships, there has long existed a serious risk that bad actors might dangle these appointments in exchange for future political donations or other valuable benefits. For example, during the Nixon administration, there were several high-profile allegations of ambassadorships being traded for political contributions and favors. The prime example of this was Herbert W. Kalmbach, Nixon’s personal attorney, who pled guilty to violating 18 U.S.C. § 600 as a result of a scheme in which he offered J. Fife Symington, Jr., President Nixon’s ambassador to Trinidad and Tobago, a “more prestigious” ambassadorship in Europe in return for a \$100,000 contribution to Republican candidates.²³

Unfortunately, we find ourselves once again confronting similar risks surrounding ambassadorships. If the allegations that Steven Witkoff and others in the Trump Administration offered Eric Adams a position with the executive branch in an attempt to influence the New York Mayoral election are true, those actions could violate both 5 U.S.C. § 7323(a) and 18 U.S.C. § 600.

First, if officials in the Trump Administration offered Eric Adams a government job with the intent of influencing his decision to leave the New York City Mayoral election, that would be a clear “use [of] official authority or influence for the purpose of interfering with or affecting the result of an election”²⁴ as set forth in 5 U.S.C. § 7323(a). As an Assistant to the President, and as his close friend and associate, Steven Witkoff is situated to have influence over who the President nominates and appoints to Federal positions. Witkoff has often been called on by the President to serve as a “dealmaker” for the Administration.²⁵ Reports suggest his presence in Florida was to negotiate with Adams concerning whether he might accept a job within the

¹⁸ 5 C.F.R. § 734.101.

¹⁹ See *Ambassadors and Other Public Ministers of the United States*, 7 U.S. Atty. Gen 186 (May 25, 1865).

²⁰ See 22 U.S.C. § 3927 (outlining authorities of chief of mission).

²¹ See, e.g., Mattathias Schwartz, *Got \$1 Million to Spare? You Can Buy an Ambassadorship*, N.Y. TIMES (Dec. 15, 2020), <https://www.nytimes.com/2020/12/15/opinion/ambassadors-donors-biden.html>.

²² *Id.*

²³ *The Final Report of the Select Committee on Presidential Campaign Activities, United States Senate, Pursuant to S. Res. 60, February 7, 1973: A Resolution to Establish a Select Committee of the Senate to Investigate and Study Illegal or Improper Campaign Activities in the Presidential Election of 1972*, S. Rep. No. 93-981, at 492 (1974).

²⁴ 5 U.S.C. § 7323(a).

²⁵ *Steve Witkoff, Donald Trump’s Savvy Dealmaker*, THE ECONOMIST (Feb. 28, 2025), <https://www.economist.com/united-states/2025/02/28/steve-witkoff-donald-trumps-savvy-dealmaker>.

Administration.²⁶ If Witkoff, or others within the Administration, used the power of their positions to suggest that Adams drop out of the race, doing so would be use of “official authority or influence” for the purpose of “affecting the result of an election.”

Second, offering appointment as an ambassador, or even “special consideration in obtaining” an ambassadorship, in exchange for “any political activity” could violate 18 U.S.C. § 600. As noted above, the term “political activity” has been read broadly. Political activity as defined in the OPM regulations, for example, would include, among other things, “activity directed toward the success or failure of . . . a candidate for partisan political office.”²⁷ The choice to run for office, or not, is clearly political activity. Hence, federal employees are themselves prohibited from participating in partisan elections.²⁸ The decision to drop out of the New York race would clearly affect the chances of success or failure by the other remaining candidates in the race. Dangling an ambassadorship in front of a political candidate for the purposes of affecting the election field is not only the exact type of harm that 18 U.S.C. § 600 was aimed at preventing, it is perhaps even more noxious than the act of offering ambassadorships in exchange for campaign contributions that occurred in the Nixon Administration. It would therefore raise the most profound questions under 18 U.S.C. § 600, if Steven Witkoff or others in the Trump Administration had made offers to appoint Eric Adams as an Ambassador—or to provide “special consideration” to him for such appointment—in exchange for Adams leaving a partisan election.

Conclusion

Reports that high-level officials in the Trump Administration sought to influence the New York City mayor's race by offering Eric Adams an ambassadorship to step away from the election are deeply troubling. As federal law recognizes, the “Government work force should not be employed to build a powerful, invincible, and perhaps corrupt political machine.”²⁹ Yet, if these allegations are true, that appears to be what has happened here. For this reason, DDF believes it is necessary that your offices investigate whether Steven Witkoff, or any person in the Trump Administration, violated 5 U.S.C. § 7323(a), 18 U.S.C. § 600, or any other law because of discussions held with Eric Adams.

/s/

Ambassador Norman L. Eisen (ret.)
Executive Chair and Founder
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/s/

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²⁶ Nicholas Fandos, et al., *Adams Considers Dropping Out of Race After Secret Meeting in Florida*, N.Y. TIMES (Sept. 4, 2025), <https://www.nytimes.com/2025/09/04/nyregion/adams-trump-job-quits.html>.

²⁷ 5 C.F.R. § 734.101.

²⁸ 5 U.S.C. § 7323(a)(3).

²⁹ *United States v. Nat'l Treasury Emps. Union*, 513 U.S. 454, 471 (1995) (quoting *Letter Carriers*, 413 U.S. at 565).