



October 21, 2025

Hon. Jamieson Grier
Acting Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218,
Washington, D.C. 20036

Dear Special Counsel Grier:

Democracy Defenders Fund (DDF) respectfully requests that the U.S. Office of Special Counsel (OSC) investigate whether White House Press Secretary Karoline Leavitt violated the Hatch Act by making partisan statements in response to questions about New York City mayoral candidate Zohran Mamdani during an October 16, 2025, interview on *America Reports* on the Fox News Channel. These remarks appear to constitute impermissible political activity “directed toward the success or failure of a political party [or a] candidate for partisan political office” in violation of the Hatch Act.¹ Given existing and outstanding concerns about whether Press Secretary Leavitt is complying with her responsibilities to refrain from partisan political activity,² DDF kindly requests that you begin your investigation as soon as possible.

Background

On October 16, 2025, Press Secretary Leavitt provided an official interview with *America Reports* from the grounds of the White House.³ The hosts announced Ms. Leavitt as “Press Secretary Karoline Leavitt.”⁴ During that interview, Ms. Leavitt was asked for the “White House’s reaction” to a prior *Fox News* interview of N.Y. City Mayoral Candidate Zohran Mamdani wherein he was asked about disarming Hamas.⁵ In response, Press Secretary Leavitt said:

The Democrat Party's main constituency are made up of Hamas terrorists, illegal aliens, and violent criminals. That is who the Democrat Party is catering to. Not the Trump Administration, and not the White House, and not the Republican Party, who is standing up for law abiding Americans not just around the country but around the world...

¹ 5 C.F.R. § 734.101.

² See Letter from Donald Sherman, Citizens for Responsibility and Ethics in Washington, to Hon. Jamison Grier, Acting Special Counsel, *RE: Ongoing Hatch Act Violations by Current Administration Officials in Official Statements Related to the Upcoming New York City Mayoral Election* (Oct. 13, 2025), <https://www.crew.org/letter-to-hon-jamison-grier-acting-special-counsel-re-ongoing-hatch-act-violations-by-current-administration-officials-in-official-statements-related-to-the-upcoming-new-york-city-mayoral-election>.

³ *America Reports*, *Leavitt addresses Trump's call with Putin and Zohran Mamdani's Fox News interview* (Fox News television broadcast Oct. 16, 2025), <https://www.foxnews.com/video/6382857927112>.

⁴ *Id.*

⁵ *Id.*

...[t]hat is the basis of the Democratic Party today. They don't stand for anything but catering to their far-left base, which I said includes antisemites, includes Hamas terrorists, illegal aliens, and violent criminals, who they want to let off freely to roam in American streets.⁶

Applicable Law

The Hatch Act strictly prohibits Federal employees, including employees of the White House,⁷ from engaging in political activity in their official capacity.⁸ Among other things, federal employees cannot “use [their] official authority or influence for purposes of interfering with or affecting the result of an election.”⁹ The Hatch Act implementing regulations expound on these obligations, providing that an employee is prohibited from “using his or her official title while participating in political activity.”¹⁰ Political activity includes any activity that is directed at the success or failure of a political party, partisan political group, or candidate for partisan political office.¹¹

Discussion

Press Secretary Leavitt was undoubtedly speaking in her official capacity when she was interviewed on *America Reports*. Ms. Leavitt was introduced by her official title, spoke from the White House grounds, and was asked to provide the views of the White House.¹² These are all factors your office has previously found to conclusively show a government employee was speaking in their official, as opposed to personal, capacity.

Press Secretary Leavitt's statements also appear to have been aimed at “affecting the result of” the N.Y. City Mayoral election. When she was asked specifically about N.Y. City Mayoral Candidate Mamdani's previous interview on Hamas, Press Secretary Leavitt did not engage with the merits or demerits of specific policy positions, or attempt to explain the basis for the Administration's policy differences. Instead, Ms. Leavitt delivered a monologue focused on denigrating the Democratic party, baselessly claiming the party was “made up of” “antisemites . . . Hamas terrorists, illegal aliens, and violent criminals”, “who they want to let off freely to roam

⁶ *Id.*

⁷ 5 U.S.C. § 7322(1); *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).

⁸ 5 U.S.C. § 7323(a).

⁹ 5 U.S.C. § 7323(a)(1); 5 C.F.R. § 734.201.

¹⁰ 5 C.F.R. § 734.302(b)(1).

¹¹ 5 C.F.R. § 734.101.

¹² *America Reports*, *Leavitt addresses Trump's call with Putin and Zohran Mamdani's Fox News interview* (Fox News television broadcast Oct. 16, 2025), <https://www.foxnews.com/video/6382857927112>; see also U.S. Off. of Special Couns., Report of Prohibited Political Activity under the Hatch Act OSC File No. HA-18-0966 (Kellyanne Conway) at 8-9 (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) (finding that under similar facts that it was “clear” that the former Counsellor to the President was speaking in an official capacity).

in American streets.” Press Secretary Leavitt then contrasted the Democratic party with the Republican Party, which she explained was “standing up for law abiding Americans.”

The purpose of this comparison seems evident: to scare members of the public away from supporting the Democratic Party. The fact that Press Secretary Leavitt did not mention Assemblyman Mamdani by name is irrelevant; by scaremongering and impugning the entire Democratic party, her comments were clearly aimed at the defeat of Democratic candidates, such as Mamdani, in upcoming elections. As your office recently wrote, “‘political activity’ encompasses activity beyond express advocacy for the electoral success or failure of a candidate.”¹³ Rather, “a federal employee acting in her official capacity may not make statements that are *intended* to encourage others to vote for or against a candidate for partisan office or otherwise promote or disparage a candidate’s campaign.”¹⁴

This conclusion is further supported by the timing of Press Secretary Leavitt’s remarks. Your office has recognized that timing—in particular close proximity to an election—is a critical element in determining whether statements were aimed at affecting voters.¹⁵ At the time of Ms. Leavitt’s statements, the N.Y. City Mayoral election was a mere three weeks away, on November 4, 2025. The close proximity of Ms. Leavitt’s remarks to the election supports the view that her caustic statements were intended to persuade voters against voting for Assemblyman Mamdani.

Finally, Press Secretary Leavitt’s remarks were consistent with past assertions she has made, including remarks provided during a press briefing in June wherein she said that President Trump “does not want this individual [i.e., Mr. Mamdani] to be elected,” that his “radical policies . . . will completely crush New York City,” and that she hoped that the “voters of New York City choose wisely.”¹⁶ Her remarks are also consistent with the President’s attacks on Mr. Mamdani, and his reported recent threat to cut off funding to New York and send troops to New York City if Mr. Mamdani wins.¹⁷

¹³ Letter from Henry J. Kerner, U.S. Off. of Special Couns., to President Biden, Re: OSC File No. HA-20-000091 at 6 (Feb. 12, 2021),

<https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity.%20Carla%20Sands.%20HA-20-000091.pdf>.

¹⁴ *Id.* at 6-7.

¹⁵ See Office of Special Counsel, Investigation of Political Activities by Senior Trump Administration Officials During the 202 Presidential Election 49 (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>; Office of Special Counsel, Hatch Act Advisory Opinion Regarding Official Agency Communications (Sep. 5, 2024), <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advisory%20Opinion%20Regarding%20Official%20Agency%20Communications.pdf>, (finding that employee created postcards that referred to legislators as liars and radicals “just weeks” before an election violated the Hatch Act).

¹⁶ 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/>.

¹⁷ *NBC New York, Trump revives Mamdani attack, threatens to send troops to NYC if ‘Communist’ wins* (NBC News television broadcast Oct. 16, 2021), <https://www.nbcnewyork.com/new-york-city/trump-mamdani-nyc-mayor-national-guard-send-troops-funding-threat/6405053/>.

The context, timing, and history of related comments strongly suggest that Press Secretary Leavitt was using her “official authority or influence for purposes of interfering with or affecting the result of an election” when responding to questions related to N.Y. City Mayoral Candidate Mamdani.¹⁸

It is worth noting that Ms. Leavitt’s position as White House Press Secretary does not exempt her from the Hatch Act. OSC has consistently held that the Hatch Act applies to statements made by the Press Secretary and Deputy Press Secretaries of both the President and the Vice President.¹⁹ For example, in 2018, OSC found that the Press Secretary for Vice President Mike Pence, the Principal Deputy Press Secretary to President Trump, and several other communications staff violated the Hatch Act by tweeting or retweeting statements that were in support of the Republican party and Republican candidates.²⁰

More recently, OSC held that the White House Secretary for President Biden violated the Hatch Act when, “during an official press briefing, she referred to ‘mega MAGA Republican officials who don’t believe in the rule of law’ and made ‘other derogatory statements’ about the Republican Party.”²¹ As OSC concluded in that case:

Although Ms. Jean-Pierre never expressly instructed viewers to vote for or against Republican candidates for elected office . . . the timing, frequency, and content of Ms. Jean-Pierre’s references to “MAGA Republicans” established that she made those references to generate opposition to Republican candidates. Accordingly, making the references constituted political activity.²²

Press Secretary Leavitt’s statements are similar to those made by former Press Secretary Jean-Pierre and which OSC previously found violate the Hatch Act.²³

Conclusion

The Hatch Act’s prohibition on employees’ use of official authority to interfere with elections recognizes the long-standing view by “Congress, the Executive, and the country” that

¹⁸ 5 U.S.C. § 7323(a)(1); 5 C.F.R. § 734.302(b)(1).

¹⁹ See, e.g., Letter from Ana Galindo-Marrone, Chief, Hatch Act Unit to Michael Chamberlin, Director, Protect the Public’s Trust (June 7, 2023), <https://protectpublictrust.org/wp-content/uploads/2023/06/23.06.07-Closure-letter-to-Complainant-Chamberlain-H-A-22-000216.pdf>. (“Jean-Pierre Letter”); Letter from Eria S. Hamrick, Deputy Chief, Hatch Act Unit, to Noah Bookbinder, Executive Director, Citizens for Responsibility and Ethics in Washington (Nov. 30, 2018), [CREW-ltr-re-10-complaints.pdf](#) (“EOP Officials Letter”); Letter from Ana Galindo-Marrone, Chief, Hatch Act Unit, to Noah Bookbinder, Executive Director, Citizens for Responsibility and Ethics in Washington (June 15, 2017), [DOC061917-06192017141936.pdf](#). (“Sanders Letter”) Note that OSC has recognized that merely providing “coverage of the President and report[ing] on his whereabouts,” including that the President is at a political rally, do not constitute political activity. See Sanders Letter. The facts at hand are clearly distinguishable from that situation, and much more akin to the types of “derogatory statements” OSC found clearly violate the Hatch Act. See Jean-Pierre Letter.

²⁰ EOP Officials Letter, *supra* nt. 19.

²¹ Jean-Pierre Letter, *supra* nt. 19.

²² *Id.*

²³ *Id.*

“partisan political activities by federal employees must be limited if . . . elections are to play their proper part in representative government.”²⁴ For that reason, every federal employee, including the White House Press Secretary, must avoid using the weight of their office to influence elections. OSC has already held that “derogatory statements” made about a political party, in particular statements made in the context of elections, violate the Hatch Act.²⁵ Press Secretary Leavitt’s statements on *America Reports* appear to clearly trip that line.

Moreover, by interjecting herself into the N.Y. City Mayoral race, Press Secretary Leavitt has also violated her responsibility to respect state sovereignty. The Constitution secures to each “State in the Union” a right to a “Republican Form of Government.”²⁶ The “distinguishing feature of that form is the right of the people to choose their own officers for governmental administration.”²⁷ The Hatch Act plays an important role in reinforcing that constitutional guarantee by preventing federal officials from imposing their political preferences on state and local government. By utilizing the trappings of her office in apparent violation of the Hatch Act, Press Secretary Leavitt has impermissibly interjected herself into local politics and encroached upon New York citizens’ right to choose their own representatives.

Because Press Secretary Leavitt’s actions appear to violate the Hatch Act, DDF respectfully requests that your office begin an investigation into Press Secretary Leavitt’s remarks as soon as possible.

/s/

Amb. Norman L. Eisen (ret.)
Executive Chair and Founder
Democracy Defenders Fund

/s/

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/s/

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²⁴ *U. S. Civ. Serv. Comm'n v. Nat'l Ass'n of Letter Carriers, AFL-CIO*, 413 U.S. 548, 564 (1973).

²⁵ Jean-Pierre Letter, *supra* nt. 19.

²⁶ U.S. Const. Art. IV, § 4, cl. 3.

²⁷ *In re Duncan*, 139 U.S. 449, 461 (1891).