



September 10, 2026

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

RE: U.S. Transportation Secretary Sean Duffy's August 31 Speech at MAGA Inc. Event

Special Counsel Baldis:

On August 31, 2026, MAGA Inc. super PAC held an event in Sterling Heights, Michigan, to promote the candidacy of several republican nominees for elected office including Mike Rogers, republican nominee for the U.S. Senate; John James, republican nominee for the Michigan governorship; and Mike Bouchard, republican nominee for Michigan's 10th Congressional District. At the event, U.S. Transportation Secretary Sean Duffy gave remarks ahead of a speech by Vice President JD Vance. As described below, Secretary Duffy appears to have violated 5 U.S.C. § 7323(a)(1) and 5 C.F.R. § 734.302(a) and 5 C.F.R. § 734.501 by "speaking extensively about [Transportation] Department business while giving a political speech, and thereby using his official authority in furtherance of" the candidates for partisan office, including Mike Rogers.¹ Democracy Defenders Fund (DDF), respectfully requests that you investigate this matter and take appropriate action.

Background

The August MAGA Inc. event was held in Michigan to support Republican Senate candidate Mike Rogers and several other Michigan Republicans. MAGA Inc. is the super PAC that was established to support President Trump in the 2024 presidential election. Among other speakers at the event were Vice President JD Vance and Federal Trade Commission Chairman Andrew Ferguson.²

Secretary Duffy's remarks preceded those of Vice President Vance. During his speech, Secretary Duffy spoke extensively about the work of the Department and his work with the Trump Administration. Secretary Duffy's remarks began by praising the Administration, in particular work that was being done by the Department and the Environmental Protection Agency related to

¹ U.S. Office of Special Counsel, *Investigation of Political Activities by Senior Trump Administration Officials During the 2020 President Election* at 34 (2021) (explaining that former Secretary of State Mike Pompeo violated the Hatch Act by extensively discussing official work during a political speech endorsing the re-election of President Trump in 2020), [investigation-of-political-activities-by-senior-trump-administratio-136ab295.pdf](#) ("OSC 2020 Report").

² Democracy Defenders Fund could not locate a publicly available version of Chairman Ferguson's comments.

vehicles. Secretary Duffy announced that the Administration would soon be amending the fuel economy standards.³ Those standards are set by the National Highway Traffic Safety Administration, a subagency of the Department of Transportation.

Secretary Duffy's remarks shifted when he spoke about Chinese competition in the auto industry.⁴ Secretary Duffy stated that "Chinese cars, Chinese technology will not be made in America or sold in America."⁵ He then called on the audience to "*send me some reinforcements*" stating that "Mike Rogers, if elected, will make sure that we don't have Chinese cars sold in America."⁶ Secretary Duffy explained that Michigan was at the "epicenter of politics" and compared the Republican platform to the "democrat socialists."⁷ He then called for Democrats to join the Republican party, stating, "Our door is open, Democrats. Come on over, join the commonsense party of the Republican Party."⁸ Secretary Duffy then stated that Michiganders were at the "heart" of politics and would decide whether Democrats "kill the democrat socialist wing" and called on them to "do your work in making sure Michigan saves America by not electing a communist."⁹

Immediately after, Secretary Duffy discussed the work that he was doing with the Task Force to Eliminate Fraud, which is chaired by JD Vance. Secretary Duffy focused on fraud involving commercial driving licenses (CDL)¹⁰ that is overseen by the Department of Transportation and its subagencies.¹¹ Secretary Duffy's remarks also described official meetings that he had with the Task Force, including stating that "today I was with Markwayne Mullin, I was with our Assistant US Attorneys, all of us working together to make sure we preserve trucking for English-speaking, well-trained American drivers."¹² The Department of Transportation issued a press release explaining the Department's actions to prevent CDL fraud the very same day.¹³ After speaking about the Task Force, Secretary Duffy again called on the audience to "keep Michigan great" and "keep America great as well."¹⁴

³ Secretary Sean Duffy, Speech at Political Event Held in Sterling Heights, Michigan (Aug. 31, 2026), *available at* <https://www.youtube.com/watch?v=irzvMIgZ0E> ("Secretary Duffy Speech").

⁴ Secretary Duffy Speech.

⁵ *Id.*

⁶ *Id.* (emphasis added).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Jason Cannon, *FMCSA boots more than 500 CDL trainers from registry*, CCJ (Feb. 18, 2026), <https://www.ccjdigital.com/regulations/safety-compliance/article/15817584/550-cdl-mills-cut-from-fmcsa-training-provider-registry>; Press Release, U.S. Department of Homeland Security, *DHS Announces Partnership with Department of Transportation to Crack Down on Fraud in CDL Schools* (Jul. 16, 2026), <https://www.dhs.gov/news/2026/07/16/dhs-announces-partnership-department-transportation-crack-down-fraud-cdl-schools>.

¹² Secretary Duffy Speech.

¹³ Press Release, U.S. Department of Transportation, *U.S. Transportation Secretary Duffy, U.S. Homeland Security Secretary Mullin, White House Fraud Task Force, & Top U.S. Attorneys Launch Historic Interagency Effort to Crack Down on Fraud in Trucking Industry* (Aug. 31, 2026), <https://www.transportation.gov/briefing-room/us-transportation-secretary-duffy-us-homeland-security-secretary-mullin-white-house>.

¹⁴ Secretary Duffy Speech.

Request for Investigation

Congress enacted the Hatch Act on the premise that “partisan political activities by federal employees must be limited if the Government is to operate effectively and fairly, elections are to play their proper part in representative government, and employees themselves are to be sufficiently free from improper influences.”¹⁵

Key among the limitations imposed by the Hatch Act is that no employee may “use his official authority or influence for the purpose of interfering with or affecting the result of an election.”¹⁶ The Hatch Act implementing regulations make clear that the ban extends to activities that “include, but are not limited to” even using one’s “official title while participating in political activity.”¹⁷ “OSC has long advised Cabinet officials that, when speaking in a personal capacity for a partisan political purpose . . . they must avoid talking about the work of their agencies to ensure that they do not mix their official work with their personal political activity.”¹⁸ For that reason, officials [can] “not implicitly or explicitly rely upon their official authority to strengthen the impact of their political activity, which would constitute a prohibited use of their official authority to interfere with or affect an election.”¹⁹

Secretary Duffy’s actions clearly constitute political activity.²⁰ As OSC advised in 2011, “an appearance at an event constitutes political activity if the aim of the appearance is the success or failure of a political party, partisan candidate, or partisan group.”²¹ Secretary Duffy urged attendees to vote for Mike Rogers, calling on the audience to “send me some reinforcements.” He also made several statements intended to compare the Republican party favorably to the Democratic party, particularly “democrat socialists” and urged Democrats to join the Republican party.

Although Secretary Duffy is not prohibited from engaging in political activity in his personal capacity, he cannot use his official authority to influence an election. That is, however, exactly what Secretary Duffy did when he spoke extensively about official government matters during a political speech in a way that utilized his position “to strengthen the impact” of his political activity.

OSC has previously found that similar “mixed” speeches violated the Hatch Act. For example, OSC found that former Secretary of State Mike Pompeo violated the Hatch Act when he gave a recorded speech before the Republican National Committee calling for the re-election of President Trump while speaking “extensively about State Department business.” As OSC noted, the speech “was focused almost exclusively on the work of the State Department” and listed

¹⁵ *U.S. Civil Serv. Comm’n v. Nat’l Ass’n of Letter Carriers*, 413 U.S. 548, 564 (1973).

¹⁶ 5 U.S.C. § 7323(a)(1); 5 C.F.R. §§ 734.302(a), 734.501.

¹⁷ 5 C.F.R. §§ 734.302(b)(1).

¹⁸ OSC 2020 Report at 34.

¹⁹ *Id.*

²⁰ 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” 5 C.F.R. § 734.101.

²¹ U.S. Office of Special Counsel, *Investigation of Political Activities by White House and Federal Agency Officials During the 2006 Midterm Elections* at 95 (2011), [investigation-of-political-activities-by-white-house-and-federal-agency-officials-during-the-2006-midterm-elections-updated.pdf](#).

several Administration policy decisions. OSC found that Secretary Pompeo’s decision to reference official activities was “not coincidental”; rather, OSC determined that “Secretary Pompeo did so because his official authority as the sitting Secretary of State gave greater weight to his endorsement of President Trump’s reelection, an endorsement that was predicated almost entirely upon descriptions of the State Department’s work.”²²

The same is true of Secretary Duffy’s August 31 speech. Secretary Duffy not only referenced numerous activities of the Federal government but directly tied the success of those activities to the outcome of the election. Secretary Duffy did not merely make coincidental remarks related to his official work: it was a core driver of his political narrative. Most prominently, he explained that the Administration was seeking to block Chinese auto sales, but that Secretary Duffy needed “reinforcements” and that “Mike Rogers, if elected” would help stop the sale of Chinese cars and technology. In doing so, he “rel[ied] upon [his] official authority to strengthen the impact of [his] political activity” in violation of 5 U.S.C. § 7323(a)(1) and the Hatch Act implementing regulations at 5 C.F.R. § 734.302(a) and § 734.501.²³

DDF respectfully requests that OSC open an investigation into Secretary Duffy’s remarks as soon as possible. While Hatch Act violations are concerning at any time, abuses around national elections are particularly troubling. OSC’s failure to act quickly may send the wrong message at this pivotal time, whereas a prompt investigation can serve as a deterrent for similar misconduct. DDF thanks you for your consideration of this matter.

Sincerely,

/s/

Ambassador Norman L. Eisen (ret.)
Executive Chair and Co-founder
Democracy Defenders Fund

/s/

Virginia Canter
Ethics and Anti-Corruption Chief Counsel
and Director
Democracy Defenders Fund

/s/

Christopher Swartz
Senior Ethics Counsel
Democracy Defenders Fund

²² OSC 2020 Report at 34.

²³ *See id.*