

October 13, 2026

Hon. Charles Baldis
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, DC 20036

**RE: Request for Hatch Act Investigation Concerning Raid of Representative
Ilhan Omar's Home**

Dear Special Counsel Baldis:

We respectfully request that your office investigate whether Department of Homeland Security Secretary Markwayne Mullin, U.S. Citizenship and Immigration Services Director Joseph Edlow, Attorney General Todd Blanche, or any other employee of the Department of Justice (DOJ) or Department of Homeland Security (DHS), violated the Hatch Act by orchestrating a predawn raid of Minnesota Rep. Ilhan Omar's Washington, D.C. home on October 12, 2026. This unprecedented raid occurred a mere four days before general early voting begins in Minnesota and appears to be timed to influence voters in the upcoming midterm election, in violation of 5 U.S.C. § 7323(a)(1). Rep. Omar is currently the Democratic candidate for Minnesota's 5th congressional district.

DOJ's Justice Manual advises prosecutors and agents that they "may never select the timing of any action, including investigative steps, criminal charges, or statements, for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party."¹ That direction is not a simple policy directive: choosing to investigate or prosecute someone for the purpose of affecting an election violates the Hatch Act, 5 U.S.C. § 7323(a)(1), which prohibits any officer or employee of the executive branch from using their "official authority or influence for the purpose of interfering with or affecting the result of an election." DOJ has further instituted a longstanding "rule of forbearance" that dictates that DOJ will not take overt investigative steps against a candidate in the run up to an election for fear of affecting or influencing election results.²

Notwithstanding the Hatch Act and its own longstanding policy, the Department of Justice secured a warrant to allow the Department of Homeland Security to raid Rep. Omar's home just weeks before the election, purportedly based on accusations that her father made misrepresentations on her asylum paperwork over thirty years ago when she was 12 years old. DOJ and DHS's decision to instigate this raid at this very moment and for these alleged reasons is unexplainable—except for as a politically motivated use of power to influence the Minnesota congressional election in violation of the Hatch Act. A review of this matter is therefore immediately necessary.

¹ Justice Manual, §§ 9-27.260, 9-85.500. *See also* Attorney General William Barr, Election Year Sensitivities Memorandum for All Department of Justice Employees, May 15, 2020, at 1.

² *See* Ryan Goodman, *Bill Barr's Hidden Truths About Justice Department's Rule of Forbearance in an Election*, Just Security (Aug. 31, 2020), <https://www.justsecurity.org/72243/bill-barrs-hidden-truths-about-justice-departments-rule-of-forbearance-in-an-election/>.

Background

Representative Ilhan Omar is currently a member of the House of Representatives representing Minnesota's 5th Congressional District. She is also currently the Democratic candidate for re-election for that seat. In Minnesota, absentee ballots were mailed on September 18, 2026, and early voting begins on October 16, 2026.

President Trump has been highly critical of Rep. Omar for several years and has frequently called for her to go back to Somalia,³ where she emigrated from in 1995. For example, at an event held in December of last year, Trump said that “she should get the hell out. Throw her the hell out.”⁴ Two days before the raid, President Trump spoke at a campaign event in Clarksville, Tennessee, where he said:

She comes from Somalia. They don't have a government, they don't have police, all they have is crime and squalor. . . . These people from Somalia, what they've done to Minnesota should never be allowed. Let's see what happens; JD Vance and our people are looking at it very strongly.⁵

In September, the White House Border Czar Tom Homan advised Fox News that an active criminal investigation had been initiated by DHS, stating that “I'm confirming that ICE is, yeah—look, I said months ago that there's something that's been reported and needs to be looked at.”⁶ DHS Secretary Markwayne Mullin made allegations on a podcast that “There may be more to this, the whole family migration and possibly some illegal activity for them to come to the United States to begin with . . . If we can prove it, that you shouldn't have been here in the first place, we will deport you.”⁷ In May, JD Vance stated that DOJ was looking into allegations related to her migration to the United States.⁸ Vance previously stated on his own podcast in March that he had spoken to Stephen Miller about legal action against Omar and that “We think Ilhan Omar definitely committed immigration fraud against the United States of America.”⁹

Early in the morning on October 12, 2026,¹⁰ Rep. Omar's home was raided by DHS as part of a criminal investigation. DOJ confirmed to the press that “Homeland Security Investigations executed a judicially authorized search warrant secured by the Department of Justice. This enforcement action is part of an ongoing federal criminal investigation.” CBS reports that internal sources advised that the investigation focuses on her immigration paperwork

³ Sarah Fortinsky, Omar pushes back on Trump criticism: ‘Unlike you, I can read’, *The Hill* (Nov. 11, 2025), <https://thehill.com/homenews/house/5600308-ilhan-omar-donald-trump-criticis/>.

⁴ Anna Young, *Trump fumes Rep. Ilhan Omar does nothing but ‘b—h,’ insists she should ‘get the hell out’ of US*, *N.Y. Post* (Dec. 9, 2025), <https://nypost.com/2025/12/09/us-news/trump-fumes-rep-ilhan-omar-does-nothing-but-b-ch-insists-she-should-get-the-hell-out-of-us/>.

⁵ Ramsay Hodgson & Ella Lee, *US Agents Raid Home of Trump Critic Ilhan Omar*, *Fin. Times* (Oct. 12, 2026), <https://www.ft.com/content/e05d76f8-2ced-4acc-a449-926b49559f9b?syn-25a6b1a6=1>.

⁶ Max Bacall, *Homan confirms ‘criminal’ investigation involving Ilhan Omar, says he knows ‘things are going on’*, *Fox News* (Sep. 13, 2026), <https://www.foxnews.com/media/homan-confirms-criminal-investigation-involving-ilhan-omar-says-knows-things-going>.

⁷ *Id.*

⁸ Ramsay & Lee, *supra* nt. 5.

⁹ Bacall, *supra* n. 6.

¹⁰ Nolan McCaskill et al., *US immigration authorities raid home of Democratic Trump critic Ilhan Omar*, *Reuters* (Oct. 12, 2026), <https://www.reuters.com/legal/government/us-launches-immigration-raid-democratic-congresswoman-ilhan-omars-home-fox-news-2026-10-12/>.

including documents that were filed by her father when they entered the country.¹¹ Although the search warrant is not currently available, the *New York Post* reported that, according to sources, the investigation focused on whether Omar used a different name in Somalia and whether her family immigrated illegally.¹²

Rep. Omar moved to the United States in 1995, over thirty years ago. The two primary *criminal* laws dealing with the making of false and fraudulent statements on immigration paperwork are 18 U.S.C. § 1015 and 18 U.S.C. § 1546. Both statutes are capped by a statute of limitations. These cases must generally be brought within 5 years. *See* 18 U.S.C. § 3282.

After the raid occurred, President Trump stated “I’ve always found her to be totally crooked personally, but that has nothing to do with me. I think she’s a terrible person. Just a complainer. She comes from a country that is a non-country. And then she comes over here and she complains about our Constitution. I think she’s a terrible person, but that’s really up to the DOJ. I have nothing to do with it.” Meanwhile, Stephen Miller’s wife posted “Promise made, promise kept” in response to the raid.¹³ White House Border Czar Homan declined to give additional detail in a *Fox News* segment, stating “The specifics of the investigation, I think I need to turn that over to Todd Blanche or Markwayne Mullin.”¹⁴

Request for Investigation

The Hatch Act places restrictions on the political activities of all federal executive branch employees, excluding the President and Vice President.¹⁵ The Hatch Act was enacted to prevent the Government from becoming a “corrupt political machine” and to ensure against both the practice of “political justice” but also the appearance of political justice.¹⁶ As the Supreme Court said in the seminal case *Civil Service Commission v. Nat’l Ass’n of Letter Carriers*:

It seems fundamental in the first place that employees in the Executive Branch of the Government, or those working for any of its agencies, should administer the law in accordance with the will of Congress, rather than in accordance with their own or the will of a political party. They 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.¹⁷

Principal amongst the restrictions in the Hatch Act is 5 U.S.C. § 7323(a)(1), which provides that no officer or employee may use their “official authority or influence for the purpose of interfering with or affecting the result of an election.” “[T]he only relevant question

¹¹ *Rep. Ilhan Omar's home raided by ICE investigators, sources say*, CBS News, (Oct. 12, 2026)

<https://www.cbsnews.com/newyork/video/rep-ilhan-omars-home-raided-by-ice-investigators-sources-say/>.

¹² Anthony Blair, et al., *Rep. Ilhan Omar's DC home raided by DHS as part of probe into Democrat's immigration paperwork*, N.Y. Post (Oct. 12, 2026), <https://nypost.com/2026/10/12/us-news/rep-ilhan-omars-dc-home-raided-by-dhs-as-part-of-probe-into-democrats-immigration-paperwork/>.

¹³ Daniel Hampton, *Katie Miller deletes 'incriminating' Ilhan Omar post as analyst eyes future deposition*, Raw Story (Oct. 12, 2026), <https://www.rawstory.com/katie-miller-2678075044/>.

¹⁴ Michelle Williams, *Rep. Ilhan Omar Responds after federal officers search her home*, CNN (Oct. 12, 2026) <https://www.cnn.com/2026/10/12/politics/ilhan-omar-search>.

¹⁵ 5 U.S.C. § 7322(1).

¹⁶ *U. S. Civ. Serv. Comm'n v. Nat'l Ass'n of Letter Carriers*, AFL-CIO, 413 U.S. 548, 565 (1973).

¹⁷ *Id.*

as it concerns a Section 7323(a)(1) violation is the ‘purpose’ of the actor and use of official authority.”¹⁸

Section 7323(a)(1) broadly covers an employee’s use of *any* official authority for political purposes, including one’s title, an agency seal, or references to agency work in support of political activity.¹⁹ OSC has advised that under Section 7323(a)(1) “[g]overnment functions cannot be scheduled, coordinated, or designed for the purpose of promoting a political party, campaign, or candidate for partisan political office.”²⁰ Thus, OSC has routinely determined that the “manipulat[ion of] government business for partisan political ends” is unlawful.²¹ For example, in just the past six years OSC has explained that giving official speeches that are intended to support a political candidate, holding official events aimed at supporting a political candidate or party, or releasing nonpublic information during an election to harm a political candidate all violate the Hatch Act.²²

DOJ has long recognized that investigations of political candidates during an election year, particularly close in time to an election, can affect voter behavior.²³ That is why DOJ has traditionally abided by an internal “rule of forbearance” against engaging in overt investigative or prosecutorial steps in the immediate 60 to 90 days prior to an election.²⁴ That unwritten rule has been respected across administrations.²⁵ For example, on October 16, 1992, Charles Banks, the Republican-appointed U.S. Attorney for Little Rock, Arkansas, refused to open a grand jury investigation that could implicate presidential candidate Bill Clinton in the *Whitewater* scandal. As he said at the time:

[T]he insistence for urgency in this case appears to suggest an intentional or unintentional attempt to intervene into the political process of the upcoming election. . . . For me personally to participate in an investigation that I know will or could easily lead to the above scenario . . . is inappropriate. I believe it amounts

¹⁸ *Special Counsel v. DePaolo*, MSPB Docket No. CB-1216-18-0016-T-1, at 23 (Sep. 13, 2019).

¹⁹ See 5 C.F.R. § 734.302(b)(1); *Special Counsel v. Salekin*, No. CB-1216-18-0004-T-1, 2024 WL 2018012, at *3 (MSP.B. May 6, 2024), *petition for review dismissed sub nom. Salekin v. Off. of Special Couns.*, No. 2024-2068, 2024 WL 4249938 (Fed. Cir. Sep. 20, 2024) (OSC brought action against an employee for using official title, agency seal, and discussions of federal employment on his campaign website; upheld by ALJ).

²⁰ U.S. Office of Special Counsel, Investigation of Political Activities by Senior Trump Administration Officials During the 2020 Presidential Election at 38 (Nov. 9, 2021), [investigation-of-political-activities-by-senior-trump-administratio-136ab295.pdf](https://www.osc.gov/sites/default/files/2021-11/investigation-of-political-activities-by-senior-trump-administratio-136ab295.pdf).

²¹ *Id.* at 29.

²² *Id.* at 32-24, 37-38; 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), [report-of-prohibited-political-activity-rachael-rollins-ha-22-000173.pdf](https://www.osc.gov/sites/default/files/2023-05/report-of-prohibited-political-activity-rachael-rollins-ha-22-000173.pdf).

²³ See, e.g., Memorandum of Attorney General William Barr, Additional Requirements for the Opening of Certain Sensitive Investigations (February 5, 2020).

²⁴ See, e.g., Protect Democracy, *Prosecuting Political Leaders During an Election* 14 (April 2024), <https://protectdemocracy.org/wp-content/uploads/2024/03/Election-Prosecutions.pdf>; Jack Goldsmith, *What Does the 60-Day Rule Require?*, Lawfare (Oct. 15, 2024), <https://www.lawfaremedia.org/article/what-does-the-60-day-rule-require>.

²⁵ See Ryan Goodman, *Bill Barr’s Hidden Truths About Justice Department’s Rule of Forbearance in an Election*, Just Security (Aug. 31, 2020), <https://www.justsecurity.org/72243/bill-barrs-hidden-truths-about-justice-departments-rule-of-forbearance-in-an-election/>.

to prosecutorial misconduct and violates the most basic fundamental rule of Department of Justice Policy.²⁶

The Administration's raid of Rep. Omar's home has many of the earmarks of official action that is scheduled and designed to influence the current midterm election—the exact concern that longstanding DOJ policy was instituted to protect. Departure from this longstanding norm itself raises serious concerns that the investigation was politically motivated.

Further, there appears to be no non-electoral reason why DOJ or DHS would have instituted this search right as Minnesotans are heading to the polls. There is certainly no evidence that DOJ or DHS had a compelling, exigent circumstance supporting the need to search Rep. Omar's home. There was no emergency at hand, no imminent risk of physical harm was to befall any person, and there is no indication that the failure to wait a mere three weeks would result in spoliation of evidence. Nor is there apparently a pressing deadline to meet the statute of limitations. If, as reported, the warrant is focused on documents signed when Rep. Omar entered the country, the statute of limitations appears to have long passed. Neither 18 U.S.C. § 1015 or 18 U.S.C. § 1546 provide a statute of limitations that would cover actions that occurred thirty years ago.²⁷

Notwithstanding the lack of urgency, the decision was made to initiate this raid after absentee ballots had been sent out and *mere days* before general early voting begins in Minnesota, when it would have the greatest impact on voter behavior. As one of us said in a complaint to OSC raising concerns about former FBI James Comey's communication of information to Congress related to the investigation of Hillary Clinton's investigation ahead of the 2020 election: "a public communication about a pending FBI investigation involving a candidate for public office that is made on the eve of an election, or as in this case, while voting is in progress, is very likely to be a violation of the Hatch Act."²⁸ That is doubly so for initiating overt investigatory acts, like the raid of a candidate's home.

Finally, these facts cannot be taken outside of the greater context of the Administration's ramp-up of questionable activity in the past few weeks. Three weeks ago, the Administration began airing propaganda ads using DHS appropriations. Those ads were the basis of several

²⁶ S. Rpt. 104-280, Special Comm. to Investigate Whitewater Development Corp. and Related Matters, Final Report, 104th Cong. at 426 (Jun. 17, 1996) (quoting Letter from Charles Banks, U.S. Attorney, Little Rock, to Donald Pettus, the Special Agent in Charge of the FBI's Little Rock Office (Oct. 16, 1992)).

²⁷ Reports indicate that the focus of the investigation was on Rep. Omar's initial immigration paperwork. There have also been conspiracy allegations that her 2009 marriage to Ahmed Elmi was fraudulent. Those claims would, however, be time barred as well under the general 5-year statute of limitations as a former ICE attorney noted in an interview with the *New York Post* last month. Chadwick Moore, *Why Ilhan Omar Can't be Kicked Out of the U.S. for Marrying Brother: Immigration Officials*, N.Y. Post (Sep. 16, 2026), <https://nypost.com/2026/09/16/us-news/why-ilhan-omar-cant-be-kicked-out-of-the-us-for-marrying-brother-immigration-officials/>.

²⁸ Letter from Richard W. Painter, Univ. of Minnesota Law School, to Office of the Special Counsel & Office of Government Ethics (Oct. 29, 2016). Although OSC opened an investigation into Comey's actions, it was dropped after he was terminated by President Trump in 2017, Richard Painter, *James Comey was being investigated for political interference at time of firing*, The Washington Times (Apr. 20, 2018) <https://www.washingtontimes.com/news/2018/apr/20/comey-was-investigated-political-interference/>.

Hatch Act complaints,²⁹ as well as subject to two lawsuits.³⁰ The Administration is temporarily enjoined from airing those advertisements, which a court determined the plaintiffs were likely to prove were “purely partisan” propaganda.³¹

Conclusion

As the Supreme Court wrote over 50 years ago, “the impartial execution of the laws” is the “great end of Government.”³² DOJ and DHS’s decision to push forward with an invasive, multi-hour search of a sitting member of Congress and political candidate’s home in the very throes of election season, purportedly related to allegations concerning conduct that purportedly occurred thirty years ago, has all the hallmarks of the type of “political justice” prohibited by the Hatch Act.

The use of *any* employee’s “official authority or influence for the purpose of interfering with or affecting the result of an election” is a serious offense in violation of 5 U.S.C. § 7323(a)(1). But potential manipulation of the law enforcement system for political gain strikes at the very core of our system of representative democracy. For that reason, it is imperative that your office open an investigation into the timing of this investigation as soon as possible.

Sincerely,

/s/

Amb. Norman L. Eisen (Ret.)
Executive Chair and Co-founder
Democracy Defenders Fund

/s/

Richard W. Painter
S. Walter Richey Professor of Corporate Law,
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²⁹ See, e.g., Letter from Public Citizen to the Government Accountability Office and the Office of Special Counsel (Sept. 25, 2026), <https://www.citizen.org/wp-content/uploads/Complaint-final.pdf>.

³⁰ Complaint, *Democratic Party of Wisconsin v. Trump*, 26-cv-03547 (Oct. 9, 2026); Complaint, *Common Cause v. Dep’t of Homeland Security*, 26-cv-08882 (Oct. 7, 2026).

³¹ Opinion and Order, *Common Cause v. Dep’t of Homeland Security*, 26-cv-08882 (Oct. 12, 2026).

³² *Letter Carriers*, 413 U.S. at 565 (1973).