

The Steady State



September 11, 2026

Hatch Act Unit

United States Office of Special Counsel

1730 M Street, N.W., Suite 218

Washington, D.C. 20036-4505

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Re: Complaint and request for investigation concerning the use of official authority and government resources by the Secretary of Defense in connection with a partisan fundraising event held in Des Moines, Iowa, on August 17, 2026

To Whom It May Concern:

The Steady State is a nonpartisan organization of more than 430 former national security, intelligence, diplomatic, military, law enforcement, and homeland security officials who have served in administrations of both parties. Its members have devoted their careers to safeguarding the integrity of United States government institutions, including the nonpartisan character of the armed forces and of the civilian department that leads them.

I write to report conduct by Pete Hegseth, Secretary of Defense,^[1] that appears to violate the Hatch Act, [5 U.S.C. §§ 7321–7326](#), and its implementing regulations at [5 C.F.R. Part 734](#), and that warrants investigation by this Office. [Section 1216 of title 5](#), United States Code, which governs the Special Counsel’s investigative authority, provides that the Special Counsel “shall ... conduct an investigation of any allegation concerning ... political activity prohibited under subchapter III of chapter 73” — the subchapter containing the Hatch Act provisions cited above. [5 U.S.C. § 1216\(a\)\(1\)](#). The exception in subsection (b) reaches only allegations under subsection (a)(5), and subsection (c) is permissive as to the remedies the Office may pursue, not as to the investigation subsection (a) requires.

Disclosure of a prior filing

On July 7, 2026, this organization filed a complaint (HA-26-000413) with this Office concerning Secretary Hegseth’s May 18, 2026 campaign appearance for a congressional candidate in Hebron,

Kentucky. This Office closed that matter by letter dated July 8, 2026. This complaint concerns separate conduct occurring after that filing. A separate records request concerning that closure is the subject of a pending administrative appeal under [5 C.F.R. § 1820.6](#) and is not at issue here (FOIA-2026-153).

This Office has also previously received correspondence bearing on the Secretary's political activity. On [May 18, 2026](#), Democracy Forward Foundation wrote to the Department of Defense Inspector General concerning the Kentucky appearance and an Iowa fundraiser originally scheduled for March 2026 and later postponed, asked the Inspector General to determine whether the Secretary had violated the Hatch Act as well as Department policy, and asked that any violations be referred to this Office. That letter was copied to the Hatch Act Unit.

Summary of the conduct

On [Monday, August 17, 2026](#), Secretary of Defense Pete Hegseth appeared at and delivered remarks to a ticketed partisan fundraising event at JR's SouthPork Ranch in Des Moines, Iowa, held during the Iowa State Fair. The event, "[Operation Top Nunn: A Salute to the Troops](#)," was held for the benefit of Team Nunn, a joint fundraising committee.

Team Nunn's [published disclosure](#) states that it "is a joint fundraising committee composed of Iowans for Zach Nunn ('Campaign'), Call to Service PAC ('LPAC') and NRCC (each, a 'Committee,' and, collectively, the 'Committees')." Contributions were allocated among those three committees under a published formula: the first \$7,000 from an individual or federal non-multicandidate political committee to the campaign, up to \$5,000 to the leadership political action committee, and thereafter up to \$44,300 to the National Republican Congressional Committee's general account, up to \$132,900 to its Building Fund, and up to \$132,900 to its Legal Proceedings Fund. Admission was sold in tiers of \$26, \$500, \$1,000 and \$3,500, the two highest of which included "an invitation to the VIP reception."

The Secretary's remarks are cited throughout. Quotations are taken from a video of the remarks recorded by an attendee, Kent Larsen, and [published the same day](#) on his video channel "Kent_Sounds_Off" under the title "Sec of War Hegseth speaks at 'Top Nunn'." The recording begins during the introduction of the Secretary and continues through the conclusion of his remarks.^[2] Where a quotation has also appeared in published reporting, that is noted.

Representative Zach Nunn is a [candidate for reelection](#) in Iowa's Third Congressional District. He [faces](#) Democratic state Senator Sarah Trone Garriott in the November 3, 2026 general election.

From the stage, Secretary Hegseth urged the audience to return Representative Nunn to Congress and did so while repeatedly invoking his own office and its responsibilities. He said that "[w]hat President Trump has promised is a generational investment in our warriors and in our warfighters that is required for the dangerous world we live in today. And that's why the biggest job I have is to ensure that my department is properly funded," and that "[w]hen we need an ally to call who

understands why it's important to fund our military the way we need to fund it, but also do so in a fiscally responsible way, we call Congressman Zach Nunn.” He told the audience, “we need those reinforcements in Washington, D.C. We need him to continue to be there.” He praised Nunn as “willing to take the tough votes to do the right thing on behalf of our war fighters, which is all you can ask for.” He also said, “[w]e need guys like this man right here having our back in Congress as we get rid of DEI at the Defense Department,” and, in the same remarks, described policies he has implemented as Secretary in the first person plural. The full passage appears in the recording cited above.

Several of these passages also appear in contemporaneous published reporting. [Iowa Public Radio](#) published the Secretary's praise of Representative Nunn as one “willing to take the tough votes to do the right thing on behalf of our war fighters, which is all you can ask for,” and his statement that “[w]e need guys like this man right here having our back in Congress as we get rid of DEI at the Defense Department.” [Local 5, a Des Moines television station](#), reported that “[a] lot of Hegseth's speech was centered on Nunn's history of voting to invest in the military.” The remaining passages are quoted from the recording cited above.

Secretary Hegseth also tied the Department's budget request to the audience's electoral choice. He said that he did not “want to pump the same money down a rat hole that doesn't return on that investment rapidly for the men and women who are fighting on our behalf.” [The Gazette](#) reported that he “pressed Congress to approve Trump's proposed \$1.5 trillion defense budget, saying military superiority ‘requires investment’ and ‘also requires votes and tough votes.’” He stated: “President Trump needs the type of leaders who understand why a \$1.5 trillion budget, a one-time generational investment, is what is necessary to ensure that my kids and your kids, your grandkids and my grandkids, live in a free, free country defended by the most powerful military in the world.” [Iowa Public Radio](#) and [Local 5](#) each published that sentence.

Secretary Hegseth spoke before campaign signage bearing Representative Nunn's name. Jennifer Jacobs, who reports for CBS News, [published](#) a photograph of the Secretary standing beneath that signage and wrote that he “campaigned with Iowa US Rep. Zach Nunn at JRs Southpork Ranch on Monday.”

The event presented Secretary Hegseth by the office he holds. In a [video of the event published by the host committee](#) on August 21, 2026, a presenter told the audience from the stage: “Secretary Hegseth and Congressman Nunn have both worn the uniform and both continue to serve this nation in the offices they hold today.”

Roughly three-quarters of the way through the remarks, Secretary Hegseth added a disclaimer. [Iowa Starting Line](#) and the [New York Times](#) each quoted it as a standalone statement: “According to the lawyers, I'm only here in a personal capacity today, as a veteran and a patriotic American.” In the remarks as delivered, it is neither an opening nor a standalone statement. It is a subordinate clause

attached to an assertion of the Secretary's own official interest in the outcome. Describing the value to him of a member of Congress who is briefed by the Department and who then advocates its positions to other members, he said, in a single sentence: [“There’s an amplifying effect to that kind of leadership in Congress that matters a lot to me, even though, according to the lawyers, I’m only here in a personal capacity today.”](#) [Little Village](#) published the same “even though” construction. He then described the disclaimer as a required formality: [“I had to say that for full disclaimer, for the lawyers.”](#)

The Department’s public statements

The appearance occurred during a period in which, as [CBS News reported](#) that day, a series of Trump administration officials traveled to Iowa in support of Republican candidates and for official business. This complaint concerns only Secretary Hegseth’s conduct.

The Department of Defense has publicly characterized the appearance as personal. A Department official [told a Punchbowl News defense reporter](#) that Secretary Hegseth was “attending an event in his personal capacity,” and added that he “is mandated to use military aircraft for all travel ... due to the continuous need for secure communications and responsive transportation for national security.” The Washington Post’s Pentagon correspondent [reported on August 18, 2026](#) that Secretary Hegseth “traveled to Iowa in his ‘personal capacity’” and that “[b]ecause of Hegseth’s role, he used taxpayer-funded military aircraft for the trip.”

Asked by [The Gazette](#) whether Department ethics attorneys had approved the appearance, what restrictions were placed on the Secretary, what government resources were used, who paid for or reimbursed his travel, whether the Department had received or referred any complaint to this Office, and how the Department reconciles the appearance with its own February 2026 political-activity guidance, the Department responded: “We have nothing to provide beyond the Secretary’s remarks.”

Asked separately by [Iowa Starting Line](#) about the Secretary’s conduct at the event and the extent to which it followed the law, the Department did not answer the question. A spokesperson provided only the statement that “[t]he Department of War, including Secretary Hegseth, respects and follows the law, including those involving government ethics.”

The Department answered a materially similar question differently three months earlier. Concerning the May 2026 Kentucky appearance, the Department [stated](#) that the Secretary’s participation had been “thoroughly vetted and cleared by lawyers,” including the Department’s Office of General Counsel, that it complied with the Hatch Act and other applicable federal statutes, and that it would not be facilitated with taxpayer dollars. No comparable public statement about the August 17, 2026 appearance has been identified.

In fairness to the subject and the host committee

The August 17 event had a genuine veterans-support component, and this complaint does not question it. Gold Star and Blue Star families were present. Folds of Honor Iowa [presented](#) a college scholarship, and Helping a Hero announced that it would [build](#) an adapted home for an Army Reserve combat engineer wounded in Afghanistan; Salute to the Fallen also [participated](#).

It should also be noted that March materials [advertised](#) him as a special guest and identified the Secretary as “Pete Hegseth,” without official title. Fine print on the same graphic stated: “Pete Hegseth is a special guest at this event. His appearance is not a solicitation of funds.” The department [guidance](#) provides that a PAS official’s name may not appear on a political-fundraiser invitation “as [a] sponsor[], host[] or point[] of contact,” because that listing “is considered soliciting political contributions.” The event was later postponed and held on [August 17](#). [Promotional materials](#) for the August 17 event [did not mention](#) Secretary Hegseth. This complaint does not allege a solicitation violation arising from the invitations.

The dual character of the event is a matter of contemporaneous public reporting. [Iowa Capital Dispatch](#) described it as “an annual campaign fundraiser and event benefiting veterans support organizations,” and reported that the event, “with Hegseth as a special guest,” had been “originally scheduled for March, but was postponed.” A same-day account in the [Washington Reporter](#) described “Operation Top Nunn, which is a joint fundraiser for his campaign and for Iowa veterans and their families,” and reported that “Secretary of War Pete Hegseth joined for the honors.”

None of that answers the question this complaint raises. An event may honor veterans and at the same time be a ticketed partisan fundraiser. The question is not the character of the event but whether a Cabinet officer used the authority and the resources of his office in connection with it.

Questions warranting examination

That appearance raises at least seven related questions requiring prompt examination. Investigators should examine:

1. Whether Secretary Hegseth used his official authority or influence for the purpose of affecting the result of the November 3, 2026 election in Iowa’s Third Congressional District, or otherwise used the authority or prestige of his office in connection with that political activity, including by invoking his position, his Department’s budget request, and his access to the President while urging the audience to return the incumbent to Congress.
2. What government resources were used to transport Secretary Hegseth to and from the event; whether any cost of that travel was required to be reported under the Federal Election Campaign Act and, if so, the reimbursable amount under [§ 734.503\(d\)](#) and the FECA method, including [11 C.F.R. §§ 100.93\(e\)](#) and [106.3](#) to the extent that method is triggered; whether the August 17 trip included any official Department activity in Iowa; what amount remains allocable to political travel after applying those rules, including special security arrangements excluded under [§ 734.503\(b\)](#) and

costs the Government would have incurred irrespective of the political activity; and whether the Treasury was reimbursed by any person or entity, in what amount, and on what date.

3. The complete itinerary of the aircraft used on or about August 17, 2026, including its origin, any intermediate stops, the Des Moines arrival and departure, any subsequent destination, who was aboard each segment, and how each segment was coded — official, political, personal or mixed.

4. Whether, at the event, Secretary Hegseth asked any person to contribute, encouraged the purchase of tickets, participated in any fundraising appeal, or handled any contribution.

5. Whether Secretary Hegseth attended or participated in the donor reception made available to contributors at the \$1,000 and \$3,500 ticket tiers, and in what capacity.

6. Whether the Department's Office of General Counsel or its ethics officials reviewed the appearance in advance; what advice was given; and whether that advice addressed the allocation of travel costs and the Department's own political-activity policy.

7. Whether any Department employee not covered by the exemption in 5 U.S.C. § 7324(b) engaged in political activity while on duty or using government resources in arranging, coordinating, staffing or facilitating the August 17 appearance, while distinguishing such activity from security, transportation, communications or other official functions that employees were required to perform because of the Secretary's position.

Public record and responses to date

The appearance was reported contemporaneously by [Iowa Capital Dispatch](#), [Radio Iowa](#), [Iowa Starting Line](#), [Iowa Public Radio](#), [the Gazette](#), [the Des Moines Register](#), and [the New York Times](#). Iowa Capital Dispatch reported that “Hegseth called for Iowans to support reelecting Nunn to the U.S. House as he faces Democratic state Sen. Sarah Trone Garriott in the 2026 election.” On August 22, 2026, [The Gazette](#) published a detailed account examining the appearance against the Department's own rules.

Richard Painter, a University of Minnesota law professor who served as chief White House ethics lawyer under President George W. Bush, told [The Gazette](#) that the appearance “departs from the Defense Department guidelines,” and that “defense department officials historically have not engaged in active roles in events, as opposed to just attending.” He said former Secretaries Rumsfeld, Gates, and Austin generally did not campaign in the manner Secretary Hegseth has. “There's not much of a precedent for this,” he said.

On [June 17, 2026](#), Senator Jack Reed, ranking member of the Senate Armed Services Committee, addressed the Secretary's campaign activity on the Senate floor. [172 Cong. Rec. S2872](#) (daily ed. June 17, 2026). He stated that “[t]he Secretary of Defense does not have a personal capacity. He represents, at every moment, this Nation and its military forces.” The Steady State does not offer a

Senator's floor statement as authority; the construction of the Hatch Act is this Office's. It is noted because it establishes that the question whether the office can be set aside for the evening was publicly and specifically put to the Secretary before August 17, 2026.

Potentially applicable law

Depending on the facts, the appearance may implicate several provisions of federal law.

Use of official authority or influence to affect an election

The Hatch Act provides that an employee "may not . . . use his official authority or influence for the purpose of interfering with or affecting the result of an election." [5 U.S.C. § 7323\(a\)\(1\)](#). The implementing regulation addresses an employee's use of official title and position in connection with political activity. [5 C.F.R. § 734.302\(b\)\(1\)](#).

This prohibition contains no exception for Presidential appointees confirmed by the Senate. A limited accommodation applicable to certain such officials appears at [5 U.S.C. § 7324\(b\)](#), which permits qualifying officials to engage in political activity otherwise prohibited by § 7324(a). That accommodation is expressly limited to the prohibitions of § 7324(a); it does not extend to the separate prohibition in § 7323(a)(1) against using official authority or influence for the purpose of interfering with or affecting the result of an election.

The public record would fall within § 7323(a)(1) if the evidence establishes that Secretary Hegseth invoked his office for the purpose of affecting the result of the November 3 election. The remarks as reported repeatedly tie the request for the audience's electoral support to his official responsibilities: the Department's funding, its budget request, his access to the President, and policies he has implemented as Secretary. Investigators should determine the purpose for which those references were made, and whether the endorsement was arranged or coordinated with the host committee in advance.

This Office's prior enforcement concerning Senate-confirmed Cabinet and military-department officials illustrates the relevant distinction. In the matter of Secretary Xavier Becerra ([HA-22-000223](#)), this Office found that the Secretary of Health and Human Services violated § 7323(a)(1) by expressing support for a Senator's reelection while speaking in his official capacity. In the matter of Secretary Carlos Del Toro ([HA-24-000104](#)), this Office found that the Secretary of the Navy violated the same prohibition by advocating for and against candidates for President while appearing in his official capacity during official travel, and reported that finding to the President under [5 U.S.C. § 1215\(b\)](#). This Office has not treated a speaker's own characterization of capacity as controlling. In the matter of Secretary Julián Castro ([HA-16-3113](#)) (June 24, 2016), it found a violation where a Cabinet secretary's official-capacity interview mixed political praise for a candidate with agency business, notwithstanding his statement that he was speaking in his personal capacity. It reached the same conclusion in the matter of Secretary Kathleen Sebelius ([HA-12-1989](#)) (Aug. 23, 2012), where a Cabinet secretary made extemporaneous partisan remarks in a speech delivered in her

official capacity. Those matters are not factually identical to this one. They demonstrate that a Senate-confirmed official's use of the authority or identity of his present office while engaging in electoral advocacy is independently prohibited, notwithstanding the accommodation § 7324(b) provides for certain on-duty political activity.

This complaint does not ask the Office to revisit HA-26-000413, and the determinations sought here do not depend on that matter being reopened. Nothing in this complaint waives or limits any request The Steady State may later make concerning it.

Even taking the HA-26-000413 July 8, 2026 closure letter on its own terms — and without conceding that it states the governing standard — the August 17 record is materially different. Section 7323(a)(1) reaches the use of official authority or influence for the purpose of affecting the result of an election. 5 C.F.R. § 734.302(b)(1) identifies the use of official title as one instance of that conduct, not its definition. The closure letter treated as dispositive that, in Kentucky, Secretary Hegseth “neither used his official title nor referred to the Department of War,” and that “the disclaimer he gave and lack of reference to his official title or agency” showed a personal-capacity appearance. The August 17 remarks do not fit that description. He referred to the Department as “my department” and as the “Department of War”; he identified ensuring that it is properly funded as his job; he told the audience he had begun that morning “literally in the Oval Office” discussing those issues with the President; and the host introduced him by the office he holds. He also used a personal-capacity line — in Kentucky, at the outset, that he was there “in [his] personal capacity as a private citizen, a fellow American, and a fellow combat veteran”; in Iowa, after discussing the Department and the candidate, “According to the lawyers, I’m only here in a personal capacity today.” A recurring form of words does not establish capacity. That question turns on the substance of the remarks and the circumstances of the appearance. OSC has not treated a speaker’s own characterization of capacity as controlling.

Whether any official Department activity occurred in Iowa on August 17 is a separate question. The closure letter treated May 18 as mixed travel because of official duties at Fort Campbell before the political event. An official morning in Washington is not an official stop in Iowa. That issue belongs to the travel-cost analysis under § 7324 and question 2. It is not an element of § 7323(a)(1).

Political activity while on duty or using government resources, and the allocation of costs

The Hatch Act prohibits an employee from engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, wearing a uniform or official insignia, or using any vehicle owned or leased by the Government. 5 U.S.C. § 7324(a).

Section 7324(b)(1) exempts from that prohibition an employee paid from an appropriation for the Executive Office of the President, or an employee appointed by the President by and with the advice and consent of the Senate whose duties continue outside normal duty hours and away from the normal duty post — but only if “the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.”

The exemption is therefore conditional, and the condition is the whole of it. [5 C.F.R. § 734.503](#) establishes the corresponding allocation and reimbursement framework: costs associated with political activity may not be paid from the Treasury unless reimbursed within a reasonable period of time, § 734.503(a); certain categories are excluded from the reimbursable amount, including the costs of special security arrangements, § 734.503(b); and a time-based allocation applies to mixed official and political travel, § 734.503(c).

Because the activity related to a federal election, § 734.503(d) provides that if a cost of that political activity is required to be reported to the Federal Election Commission, the employee uses the FECA allocation method instead of the time-based method in § 734.503(c). Investigators should determine whether any cost of the August 17 travel was required to be reported under FECA and, if so, the reimbursable amount under that method. For travel on government aircraft in connection with a House campaign, the Federal Election Commission's government-conveyance rule is [11 C.F.R. § 100.93\(e\)](#); [11 C.F.R. § 106.3](#) is the mixed-trip allocation rule FECA uses for campaign-related travel. Those provisions supply a method to the extent § 734.503(d) is triggered. They do not themselves determine whether the Secretary was traveling "on behalf of" a candidate. That is a question of fact.

Three facts on the public record place the condition in issue. The Department has stated that Secretary Hegseth is "mandated to use military aircraft for all travel" and has described him as a "required use" traveler. The Washington Post reported that he used taxpayer-funded military aircraft for this trip. The Secretary stated from the stage that he began that day in the Oval Office in Washington; that is the origin, not an identified official stop in Iowa. No Department travel [advisory](#), news release, visual-information product, or official social-media account post announcing official Department activity in Iowa on August 17, 2026 has been identified, although the Department issued both an advisory and a [news release](#) for the Secretary's official travel to Nebraska and Wisconsin one week later.

The Steady State does not treat that silence as proof that no official activity occurred. The Department has said it does not announce events the Secretary attends in a personal capacity. It is noted because no affirmative record of official Iowa activity that day has been located, and because the Department declined to answer when asked directly what government resources were used.

A "required use" designation addresses which aircraft an official must fly. It does not, by its terms, resolve who must bear the cost of political travel. Professor Painter described the historical practice to The Gazette in terms that track the regulation: "We did not approve of other officials using U.S. government aircraft for campaign events, and then just having the government reimbursed for the price of the ticket, unless there was mixed official and political business at the location." If the Iowa travel served no official Department purpose, investigators should determine the entire amount properly allocable to the political travel under the applicable reimbursement rules, including the appropriate treatment of government-aircraft costs, required security and support expenses, and any

costs the Government would have incurred irrespective of the political activity. This complaint does not contend that the full operational cost of the aircraft is the measure. The Department has declined to say what any cost was, or whether the Treasury was reimbursed.

This complaint does not assert that reimbursement did not occur. It asks the Office to determine whether the Treasury was reimbursed by any person or entity, in what amount, and on what date. This Office's guidance states that "[i]f the campaign does not repay the Treasury, then ultimately the traveler is responsible for reimbursing the cost of his or her attendance." The answer determines whether the § 7324(b) exemption is available at all.

Solicitation, acceptance or receipt of political contributions

The Hatch Act prohibits an employee from knowingly soliciting, accepting, or receiving a political contribution. 5 U.S.C. § 7323(a)(2). The [implementing regulation](#) permits a covered employee to attend a political fundraiser and to give a speech or keynote address there when not on duty, while providing that the employee "may not personally solicit, accept, or receive political contributions." [5 C.F.R. § 734.208](#).

This complaint does not allege that the delivery of remarks at a fundraiser, standing alone, violated § 7323(a)(2), nor that attendance at a donor reception would by itself establish solicitation, acceptance or receipt of a contribution. It asks the Office to determine whether, at the event, Secretary Hegseth asked any person to contribute, encouraged the purchase of tickets, participated in any fundraising appeal, or handled any contribution. Whether he attended the donor reception made available at the \$1,000 and \$3,500 tiers is a fact warranting examination, not an asserted violation.

The Department's own standard

[Department of Defense Directive 1442.11](#), Political Activity Rules for DoD Political Appointees (November 8, 2021), establishes Department policy governing political activity by Department political appointees and applies to Presidential appointees requiring Senate confirmation. It provides that such officials are "prohibited from engaging in activities that create the appearance of DoD association or support for any partisan political cause or issue," and identifies participation "as organizers, speakers, hosts, or special guests in activities sponsored by the campaign committee" among the activities barred. It further provides that such officials may brief partisan groups on issues of national defense or foreign policy, "but they may not do so at partisan meetings conducted as fundraisers."

The Department's Standards of Conduct Office reiterated and explained that policy in two 2026 documents: "[Political Activity Guidance for Senate Confirmed Officials at DoW](#)" (February 2026), and "[Partisan Political Activity Rules for 'Further Restricted' DoW Civilians](#)" (March 2, 2026).

Those documents draw the same distinction this complaint draws. They place Presidential appointees confirmed by the Senate in a group "who are further restricted by DoW policy," and

place career members of the Senior Executive Service and employees of the National Security Agency, the Defense Intelligence Agency and the National Geo-Spatial-Intelligence Agency in a separate group further restricted by the Hatch Act itself. The February guidance explains the source of the policy restriction: “When the Hatch Act was amended in 1993, the President delegated to the Secretaries of DoW, Justice and State (and later Homeland Security) the authority to further regulate the political activity of political appointees.” That is consistent with the statute, under which the Department of Defense is not among the agencies listed at 5 U.S.C. § 7323(b)(2)(B), and under which Presidential appointees confirmed by the Senate are expressly excepted from the additional statutory restriction by § 7323(b)(2)(A).

The February 2026 guidance addresses the conduct at issue directly, in terms:

“Q. May PAS officials help organize a political fundraiser or speak at a fundraiser? A. No. PAS officials are prohibited from participating in any ‘in concert’ activity with a candidate for partisan political office or political party and are therefore prohibited from organizing a political fundraiser or speaking at an event on behalf of a political party or candidate for partisan political office.”

The same document states that PAS officials may not “serve as surrogates for partisan candidates at political events,” and lists “speaking at a campaign rally for a candidate for partisan political office” among prohibited activities. It defines “in concert” activity as “any activity that is sponsored or supported by a political party, partisan political group or candidate for partisan political office.” Where an official speech to a partisan group is permitted at all, the guidance provides that “the speech should be limited to DoW issues, and the PAS official must refrain from advocating for or against a candidate for partisan political office, or commenting on any campaign related issues.” It further states that when expressing personal opinions publicly on political subjects, “DoW employees may not use their official titles or refer to their DoW positions.”

This complaint asks the Office to apply the Hatch Act and its implementing regulations; it does not ask the Office to enforce Department policy as such. The guidance is offered here for two narrower purposes: as evidence of the written standard the Department applies to officials in Secretary Hegseth’s position, of which an official in that position would be expected to have knowledge, and as context bearing on the purpose with which he acted. The Department has not explained where it believes the August 17 remarks fall within its own guidance and declined The Gazette’s request that it do so.

Sufficiency of the record

The present public record is sufficient to warrant an investigation. It is not sufficient to establish, without further inquiry, the elements of any particular violation. Those elements can be evaluated only after the lawful process and access authority available to this Office reaches records the public cannot obtain: the Secretary’s schedule and trip authorization for August 17, 2026; aircraft and mission records, including all segments flown, itinerary and passenger manifest, and any associated

cost accounting; any reimbursement voucher or bill rendered to a political committee; communications between the Department and the host committee concerning the appearance; and any ethics or Office of General Counsel advice given before the event.

Requested action

I therefore respectfully request that the United States Office of Special Counsel promptly take the following actions.

Investigation and preservation. Open an investigation pursuant to [5 U.S.C. § 1216\(a\)\(1\)](#) into the August 17, 2026 appearance, and issue preservation directives to the Office of the Secretary of Defense, Washington Headquarters Services, the Department's Office of General Counsel and Standards of Conduct Office, the Air Force components responsible for executive airlift, and any other Department or Air Force component that created or holds records of the travel, covering, at a minimum: the Secretary's daily schedule and trip authorization for August 17, 2026; travel authorizations and vouchers, including any DD Form 2768; aircraft tail number, mission identifier, manifest, itinerary, and cost records for all segments flown on August 17 and 18, 2026; correspondence concerning cost allocation or reimbursement; communications with Team Nunn, Iowans for Zach Nunn, Call to Service PAC, or the National Republican Congressional Committee concerning the appearance; speech drafts, talking points, and any advice or clearance concerning the "personal capacity" disclaimer; and any ethics or Office of General Counsel advice concerning the appearance. This list is not exclusive.

Investigative determinations. Determine, through the process available to this Office: whether Secretary Hegseth used his official authority or influence for the purpose of affecting the result of the November 3, 2026 election; what government resources were expended on the August 17 travel and in what amount; whether any official Department activity occurred in Iowa that day; the full itinerary of the aircraft and who was aboard each segment; whether any portion of the cost was allocated as political and reimbursed to the Treasury, by whom and when; whether, at the event, Secretary Hegseth asked any person to contribute, encouraged the purchase of tickets, participated in any fundraising appeal, or handled any contribution; whether he attended the donor reception at the \$1,000 and \$3,500 tiers; whether Department ethics officials reviewed the appearance in advance and what advice was given; and whether any Department employee not covered by the exemption in 5 U.S.C. § 7324(b) engaged in political activity while on duty or using government resources in arranging, coordinating, staffing, or facilitating the appearance.

Interagency coordination. Coordinate as appropriate with the Department of Defense Office of Inspector General, which received a related request concerning the Secretary's campaign activity on May 18, 2026, and with the Office of Government Ethics as to any question of standards of conduct arising from the same facts.

Findings and referral. Make written findings under 5 U.S.C. §§ 7323(a) and 7324(a), including

whether the funding condition in § 7324(b)(1) was satisfied; and, if the Office concludes that a violation occurred and that disciplinary action is warranted, present the Office's complaint, supporting statement and any response to the President for appropriate action, as 5 U.S.C. § 1215(b) directs for an employee appointed by the President by and with the advice and consent of the Senate, and make the fact and substance of that presentation public to the maximum extent permitted by law.

Acknowledgment and disposition. Acknowledge this complaint in writing and provide written notice of its disposition. If the Office declines to investigate or closes the matter without findings, provide a written statement of the reasons.

Urgency

Particular urgency is warranted. The general election is on November 3, 2026, and Representative Nunn is an active candidate in a contested race. Records bearing on travel cost allocation and reimbursement are created and closed out on ordinary accounting cycles. The reimbursement question is itself time-sensitive: 5 C.F.R. § 734.503(a) conditions the use of Treasury funds on reimbursement "within a reasonable period of time," and this Office's [guidance on mixed travel by Presidential appointees with Senate confirmation](#) recommends that agencies "seek reimbursement within 30 days of the event, which corresponds to a typical credit card billing cycle." That period is approaching. The Steady State does not contend that the time elapsed to date, standing alone, establishes noncompliance.

Conclusion

This complaint does not assert that any identified person has committed a crime and does not urge any particular outcome. It asks the responsible authority to determine whether a Cabinet officer used the authority and the resources of his office in connection with a partisan fundraising event held less than three months before a federal general election.

Please confirm receipt of this complaint and advise, to the extent permitted by law, whether it has been assigned for review and under what file number.

Respectfully submitted,

Steven A. Cash

Executive Director, The Steady State
(212) 685-9660

^[1] The office is established by statute as the Secretary of Defense. [10 U.S.C. § 113\(a\)](#) ("There is a Secretary of Defense,

who is the head of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.”); see also [10 U.S.C. § 111](#) (establishing the Department of Defense as an executive department). [Executive Order 14347](#), “Restoring the United States Department of War” (September 5, 2025; 90 Fed. Reg. 43893), authorizes the use of “Department of War” and “Secretary of War” as secondary titles in non-statutory communications. The Order provides that “[s]tatutory references to the Department of Defense, Secretary of Defense, and subordinate officers and components shall remain controlling until changed subsequently by the law.” Legislation to effect that change passed the House as part of the annual defense authorization bill and has advanced in the Senate Armed Services Committee, but had not been enacted as of September 11, 2026. This letter therefore uses the statutory title, except where a quotation or the title of a document uses the secondary title.

^[2] The video runs eighteen minutes and forty-five seconds. The Steady State retrieved and preserved a copy on September 5, 2026 — MPEG-4, 1920 × 1080, H.264 video with a single AAC audio track, SHA-256 c1e4dc534ee560281f01cc6fda362bdd13172f635bab50d60328fa8d2334ed44 — and will provide that copy to the Office on request.