

# Using the Power of the Government to Win Elections

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The principle that government ought to be administered for the benefit of all citizens, not on behalf of one political party, lies at the core of America's democratic enterprise. The Trump administration couldn't care less: It appears to see the federal government not as something to steward on behalf of all Americans, but as an opportunity—a set of levers it can pull on to protect its reign.

America's adherence to this principle of executive neutrality has never been perfect, but as a norm it has been honored more than breached. When I served as a political appointee in the Department of Homeland Security under President George W. Bush, the idea that the secretaries of defense or homeland security or the attorney general would have ever appeared at a political rally was unimaginable. Their roles were too important to national security to risk being perceived as partisan operatives.

Not so in the Trump administration. Its members are willing to use the public power at their disposal to do what they can to give Republicans an edge in this fall's elections—to campaign for candidates from their public pulpits, to push broadcast-news coverage in a more favorable direction, to try to strong-arm the U.S. Postal Service into regulating mail-in balloting into oblivion, to [threaten withholding FEMA relief funds](#) from those states that don't elect Republican candidates, to [release pro-Donald Trump propaganda](#) funded by taxpayer dollars, and, the most crass offense, [to offer \\$5,000 checks](#) to voters if Republicans win. Some of these tactics are in a legal gray area; others are plainly forbidden. But all of them are violations of the precept that the party in power should not tilt the electoral scales toward itself.

The most egregious area of activity has been the total disregard administration officials have shown for the Hatch Act. The law, passed in 1939, imposes [limits](#) on certain government employees to ensure that these officials in their executive functions are above partisan political activity. Federal employees may not use their official authority to influence an election, though they can engage in political activity when they are off the clock, and [restricted employees](#) (which includes all national-security and law-enforcement personnel) may not “take an active part” in any political campaign.

The law is still being enforced, but only against everyday federal employees. For example, the DHS inspector general recently found that some FEMA disaster responders had violated the Hatch Act when they skipped providing assistance to homes with pro-Trump signs [after Hurricane Milton](#).

But in Trump world, the law is for thee and not for me. Attorney General Todd Blanche has turned out to be [something of a serial campaigner](#). He [traveled to Long Island to give a speech at a rally](#) for Bruce Blakeman, a Republican running for governor of New York. He gave a speech at the Republican National Committee's midterm convention. He stumped for Michael Whatley, a Senate candidate from North Carolina.

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Secretary of Defense Pete Hegseth [went to the Iowa State Fair](#) to support Republican Representative Zach Nunn. Secretary of Transportation Sean Duffy gave an August speech at a super-PAC event supporting GOP candidates in Michigan [in which he mixed official business with praise for a Republican candidate](#). And, [as The Atlantic has reported](#), Trump even went so far as to have a secret points-system competition among his Cabinet members to see who could travel to the greatest number of competitive House districts over the summer (though, to be clear, not all of that travel was overtly in violation of the Hatch Act).

Who is supposed to do anything about any of this? That responsibility falls to the [Office of Special Counsel](#), whose head Trump fired early in his second term. He then [nominated as his replacement a host](#)

[of a far-right podcast](#), whose past behavior and qualifications were so poor that [even the Senate Republicans could not support him](#). Despite not having a permanent leader, the OSC has managed to launch a Hatch Act investigation of one person of great interest to the president: [former Special Counsel Jack Smith](#). The investigation is in response to a complaint that Smith sought quick criminal-trial dates for Trump as a means of influencing the 2024 election.

Perhaps less egregious but no less troubling has been the erosion of the traditional neutrality of the [Federal Communications Commission](#). For years, the FCC's equal-time rule (not to be confused with the broader, now-repealed fairness doctrine) was the legal embodiment of the principle of the government's neutrality among the different political factions. The rule required that if a broadcaster allowed a candidate to appear, [it "shall afford equal opportunities to all other such candidates"](#) for that office. Exceptions were possible for bona fide news events. The rule has generally been interpreted quite leniently—allowing, for example, programs such as *Access Hollywood*, *Today*, and *The Howard Stern Show* to host political candidates on the air without requiring their opponents be allowed the same.

Under Trump's FCC chairman, Brendan Carr, the agency has perfected the use of its authority to threaten broadcasters it perceives as anti-Trump. In late January 2026, the FCC [issued new "guidance" aimed at late-night-TV hosts](#), effectively reversing the long-standing leniency. Some networks responded by changing what they put on their shows. CBS [pulled an interview of James Talarico](#), the Democrat from Texas running for Senate, from Stephen Colbert's late-night show.

Without a doubt, the single most noteworthy effort the FCC has undertaken involves its obsessive pursuit of ABC. The effort to influence the network's programming began in late 2025 when [Carr urged ABC \(owned by Disney\) to pull Jimmy Kimmel](#) from the air after he inartfully commented on Charlie Kirk's death. Appearing on a [right-wing podcast](#), Carr said: "We can do this the easy way or the hard way. These companies can find ways to change conduct, to take action, frankly, on Kimmel, or there's going to be additional work for the FCC ahead"—seemingly a not-so-veiled threat of licensure action. Though Kimmel was suspended, he eventually returned to the air.

Not content with this (or perhaps angered that Kimmel was put back on the air), Carr moved, in April, to conduct an early review of all eight FCC licenses held by ABC. As purported grounds for the review, the FCC questioned the diversity and inclusion practices of the network. [ABC filed a lawsuit in August](#), seeking to forestall the review, claiming that it was retaliatory and in violation of the First Amendment.

The [FCC contends that ABC's lawsuit is premature](#)—that it has yet to decide whether to take enforcement action against the company. But the mere threat of a review is bad enough. The Trump/Carr pressure campaign is working.

In July, Trump gave an address to the nation, and ABC decided not to broadcast it. But it did put it on livestream (which it would not normally have done) as a way of mitigating the threat of retaliation. Likewise, *The View*, which historically has hosted political candidates, has stopped doing so after the FCC began an investigation following an appearance by Talarico. ABC has now, on the cusp of the election, [decided to withhold a Kimmel interview of Talarico](#) from its on-air broadcast, punting it to YouTube instead.

There can be no doubt whatsoever as to the political nature of these enforcement actions. Immediately after warning late-night-TV hosts (a group Trump loyalists perceive as liberal) about the applicability of the equal-time rule, Carr [clarified](#) that talk radio (known for its conservative tilt) was not subject to this guidance. As the lone Democratic-nominated FCC commissioner, Anna Gomez, put it, the action was part of the ["administration's broader campaign to censor and control speech."](#)

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Finally, consider one effort to bend the institutions of government to Trump's political benefit where he has (at least to date) been less successful—mail-in voting, a case which, mercifully, Trump [lost in the Supreme Court last month](#).

Correctly or not, Trump seems to believe that Election Day voting favors Republicans, and thus he has attempted to use his power over the government to make mail-in voting more difficult.

Central to that effort was Trump's executive order "[Ensuring Citizenship Verification and Integrity in Federal Elections](#)," and more particularly his direction to the USPS to draft a rule establishing "uniform standards" for mail-in ballots to be implemented.

This anodyne formulation concealed, as a [Massachusetts district court described](#), a rather more [draconian final rule](#) which would have required state and local election officials to submit their ballot envelopes to the USPS for approval and thereafter provide the identity of each mail-in voter to the USPS for input into a federal government-run electronic portal. The enforcement mechanisms for these requirements would have been stringent: Absent approval of the ballot envelope, no voter data could have been input. And without ballot-design approval, intelligent barcodes, and voter-data registration, the USPS would have refused to deliver mail ballots to voters.

Every state's mail-in-ballot process would have been subject to federal approval under the guise of mailing-envelope standards. In his appeal to the Supreme Court, the solicitor general [likened](#) this requirement to "analogous preparation requirements for the mailing of cremated remains and replica explosives." He further contended (notwithstanding the title of the executive order) that the rule was simply a regulation of the USPS and not meant to federalize control of the elections.

Even though it has, thus far, been unsuccessful, Trump's misuse of the postal service is of a piece with his overall project of using the federal government to his party's advantage. It is effectively a repudiation of the postal service's "[universal service](#)" obligation—[the mandate not to refuse mail unless specifically authorized to do so by Congress](#)—with intent to convert the USPS's neutrality into a political cudgel.

When politicians repurpose government action to help themselves maintain power, they are breaking a fundamental promise of governmental impartiality in providing services and benefits. Trump's assault on this principle of executive neutrality has not yet taken root in American culture. If it does, we will lose far more than control of the House or the Senate; we will lose the possibility that the will of the people can prevail.