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## **I. The New York Young Republican Club Recommends Congress to Invoke the Disqualification Clause Against Zohran Kwame Mamdani**

The New York Young Republican Club recommends that the 119th United States Congress invoke the Disqualification Clause (a.k.a. the Insurrection Clause) of Section Three of the Fourteenth Amendment against Zohran Kwame Mamdani to disqualify him from becoming the Mayor of New York City.

Mamdani has provided aid or support to enemies of the United States, both through his words and his actions. Despite having taken an oath to support the United States Constitution when he became a New York State Assemblyman, Mamdani, among other anti-American actions, has participated alongside pro-Hamas terrorist organizations in protests, has called for the murder of all Jews, and has refused to condemn Hamas' call to action to globalize the intifada.

Furthermore, by openly refusing to cooperate with U.S. Immigrations and Customs Enforcement ("ICE") in any capacity and indicating that he will direct New York City agencies to adopt a corresponding policy, Mamdani is unequivocally aiding and supporting enemies of the United States. Under the direction of President Donald J. Trump, ICE is working to identify and arrest terrorists in New York City who belong to recognized Foreign Terrorist Organizations such as MS-13, TdA, and more. Mamdani has stated that he refuses to cooperate with ICE, calling for ICE's complete withdrawal from New York City and vowing to "kick" ICE out entirely when he becomes Mayor. There is no question that Mamdani thus is affirmatively aiding and comforting known terrorists and enemies in the United States, requiring his disqualification under the Disqualification Clause.

Moreover, Mamdani has continually and explicitly insisted on turning New York City into an extreme hotbed of Socialism, borderline communism, and overt Marxism—which President Trump has declared enemy ideologies. This rhetoric further supports Mamdani's intention to disrupt the United States' economy and national stability, making him a threat to the country if he becomes Mayor of the financial capital of the world.

As such, we believe there is a legitimate basis to prevent Zohran Kwame Mamdani from becoming New York City's next Mayor under the Disqualification Clause of the 14th Amendment.



## II. The Disqualification Clause

The 39th U.S. Congress drafted and proposed the 14th Amendment in 1866, while the 40th U.S. Congress oversaw its ratification by the states on July 28, 1868. Section 3 of the 14th Amendment is known as the Disqualification Clause, which originally sought to protect America by barring former Confederate officials and others who had attacked the government from regaining positions of power. In other words, “[i]t was designed to help ensure an enduring Union by preventing former Confederates from returning to power in the aftermath of the Civil War.”<sup>1</sup>

Specifically, Section 3 of the 14th Amendment (*i.e.*, the Disqualification Clause or Insurrection Clause) states:

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Put another way, the Disqualification Clause disqualifies any person from, *inter alia*, holding any state office if that person has: (1) as a member of a State legislature or state executive or judicial officer, (2) took an oath to support the Constitution and (3) subsequently engaged in insurrection or rebellion against the Constitution *or* given aid or comfort to its enemies.

“Section Three imposes a qualification for public office, much like an age or residency requirement. It is not a criminal penalty, and neither the courts nor Congress have ever required a prior criminal conviction for a person to be disqualified under Section Three.”<sup>2</sup> Notably, one can be disqualified under the Disqualification Clause notwithstanding the truth or morality of the cause.<sup>3</sup>

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<sup>1</sup> *Trump v. Anderson*, 601 U.S. 100, 109 (2024).

<sup>2</sup> *State v. Griffin*, No. D-101-CV-2022-00473, 2022 WL 4295619, at \*16 (N.M. Dist. Sep. 06, 2022); *see also* Elsea, *The Insurrection Bar to Office: Section 3 of the Fourteenth Amendment*, LIBRARY OF CONGRESS (Sept. 7, 2022), <https://www.congress.gov/crs-product/LSB10569#:~:text=Section%203%20of%20the%20Fourteenth%20Amendment%20does%20not%20expressly%20require.to%20refuse%20to%20seat%20Members> (ineligibility of an individual to hold office due to the Disqualification Clause does not require a criminal conviction).

<sup>3</sup> *Griffin*, 2022 WL 4295619, at \*17 (“Nor did the nineteenth-century definition of insurrection depend on the truth or morality of the insurrectionists’ cause: an uprising could be an insurrection even if the participants sincerely believed their cause was just.”); *see also id.* (“Efforts to rescue fugitive slaves were considered insurrections even though many believed the Fugitive Slave Act of 1850 was unconstitutional and freeing slaves was a moral



Congress is empowered by Section 5 of the 14th Amendment to determine whether Section 3 applies to a particular person and to enforce such provisions.<sup>4</sup> “Section 3 marked the first time the Constitution placed substantive limits on a State’s authority to choose its own officials.”<sup>5</sup> That is, Congress’s enforcement power applies to having the ability to disqualify both federal *and state* officials.

It is therefore prudent for Congress to consider invoking the Disqualification Clause against Mamdani’s run for New York City Mayor.

### **III. The Disqualification Clause Prohibits Mamdani from Becoming Mayor of New York City**

Although the Disqualification Clause is rarely used to disqualify candidates from public office, the current situation fully satisfies the requisite elements for enforcement of the Disqualification Clause.

#### **A. Mamdani Is a Member of a State Legislature**

Firstly, Mamdani currently serves as a New York State Assemblyman for Assembly District 36.<sup>6</sup> According to Article III, Section 1 of the New York State Constitution, “[t]he legislative power of this state shall be vested in the senate and assembly.”<sup>7</sup> Thus, Mamdani has served as a member of a State legislature.

#### **B. Mamdani Took an Oath to Support the U.S. Constitution**

Secondly, as an Assemblyman, Mamdani was required to take an oath to support the United States Constitution per Article XIII of the New York State Constitution, which states, in part: “Members of the legislature . . . shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: ‘I do solemnly swear (or affirm) that I will support the constitution of the United States . . . .’”<sup>8</sup> Because Mamdani took an oath as an Assemblyman, Mamdani is subject to the Disqualification Clause.

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obligation. That participants ‘firmly believe[d]’ they ‘were acting for the good of [their] country’ was ‘not a defense to insurrection,’ but rather was proof they were acting for an insurrectionary ‘public purpose.’”).

<sup>4</sup> *Trump*, 601 U.S. at 108. Moreover, the Enforcement Act of 1870 “authorized federal district attorneys to bring civil actions in federal court to remove anyone holding nonlegislative office—federal *or state*—in violation of Section 3, and made holding or attempting to hold office in violation of Section 3 a federal crime.” *Id.* at 114 (emphasis added).

<sup>5</sup> *Id.* at 120 (Sotomayor, Kagan, and Jackson, JJ., concurring).

<sup>6</sup> Zohran K. Mamdani, *Biography*, NY ASSEMBLY (last visited July 3, 2025), <https://nyassembly.gov/mem/Zohran-K-Mamdani>.

<sup>7</sup> New York State Constitution, as revised including amendments effective January 1, 2025, <https://dos.ny.gov/system/files/documents/2025/01/constitution-january-1-2025.pdf>.

<sup>8</sup> *Id.*; see also NYS Senate or Assembly Member, Officer or Employee Oath/Affirmation, DOS-1692-f (rev. 12/16), [https://dos.ny.gov/system/files/documents/2022/11/1692-f\\_0.pdf](https://dos.ny.gov/system/files/documents/2022/11/1692-f_0.pdf) (“I do solemnly swear (or affirm) that I will support the constitution of the United States . . .”).



### C. Mamdani Gave Aid or Comfort to United States' Enemies

Thirdly, subsequent to taking an oath, Mamdani gave aid or comfort to enemies of the United States. According to the members of the 40th Congress—the one immediately after the Congress that drafted the 14th Amendment—“‘aid and comfort’ may be given to an enemy by words of encouragement, or the expression of an opinion, from one occupying an influential position.”<sup>9</sup> That is, words can also satisfy this element.<sup>10</sup>

Moreover, for the avoidance of any doubt, the “enemy” as referred to in the Disqualification Clause need not be an actual enemy *state*; it could be *any* enemy of the United States, even individual people, groups, and, arguably, ideas.<sup>11</sup>

Here, Mamdani gave aid or comfort to (1) Hamas and other pro-Hamas antisemitic groups; (2) Foreign Terrorist Organizations and Specially Designated Global Terrorists such as Tren de Aragua (TdA) and Mara Salvatrucha (MS-13); and (3) to the communist and Marxist movement.

#### 1. Mamdani Aided and Comforted Hamas and Other Enemies Seeking to Kill Jews

Mamdani has repeatedly provided both aid *and* comfort to Hamas—the Islamic Resistance Movement that the United States declared a Foreign Terrorist Organization on October 8, 1997—along with pro-Hamas organizations and others that seek the total annihilation of the Jewish people.

<sup>9</sup> *Hinds' Precedents of the U.S. House of Representatives*, Vol. 1, Ch. 14 (Mar. 4, 1907), § 451, at 452, <https://www.govinfo.gov/content/pkg/GPO-HPREC-HINDS-V1/pdf/GPO-HPREC-HINDS-V1-15.pdf>; *id.* at § 459, at 471 (“Resolved, That J. H. Christy, having voluntarily given aid, countenance, counsel, and encouragement to persons engaged in armed hostility to the United States, is not entitled to take the oath of office as a Representative in this House from the Sixth Congressional district of Georgia or to hold a seat therein as such Representative.”).

<sup>10</sup> Hempowicz, Janovsky, & Eisen, *The Constitution's Disqualification Clause Can Be Enforced Today*, PROJECT ON GOVERNMENT OVERSIGHT (Nov. 15, 2022), <https://www.pogo.org/reports/the-constitutions-disqualification-clause-can-be-enforced-today> (“[I]n 1867 the House refused to seat John D. Young of Kentucky, finding that he had given aid and comfort by, among other things, sharing information that led to the capture of Union soldiers. However, the House report about John D. Young raised the possibility that written or spoken statements of support could also constitute aid and comfort, writing that it ‘may be given to an enemy by words of encouragement, or the expression of an opinion, from one occupying an influential position.’ The following year, the House refused to seat John Young Brown of Kentucky, finding that he had given ‘aid and comfort’ to the enemy by publicly suggesting that anyone who joined the Union Army should be ‘shot down in their tracks.’”).

<sup>11</sup> See Lynch, *Disloyalty & Disqualification: Reconstructing Section 3 of the Fourteenth Amendment*, Vol. 30:153, 201 WILLIAM & MARY BILL OF RIGHTS J. (Oct. 1, 2021), <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1992&context=wmborj> (“The [Philip F.] Thomas challenge can be read to stand for the proposition that aiding or comforting *any* enemy of the United States—even one’s own child—may trigger Section 3; aiding the enemy *state* is not required.”).



### a. Mamdani Actively Participated in Pro-Hamas Protests

Mamdani has actively participated in pro-Hamas protests. For example, as depicted in several photographs in a June 12, 2025 X post by Corrected Media, Mamdani is seen attending and actively participating in a 2021 protest alongside Nerdeen Kiswani, the leader of Within Our Lifetime – United for Palestine (“WOL”)—a pro-Hamas organization primarily active in New York City.<sup>12</sup> The photographs show Mamdani speaking into a microphone surrounded by crowds of protesters holding signs that say, among other things, “End All U.S. Aid to Israel!” and “There is only one solution: Intifada, Revolution.”

Mamdani even “[e] chants of ‘BDS’ at a protest outside the Israeli consulate, referring to the anti-Israel Boycott, Divestment and Sanctions movement,” which is not surprising as “Mamdani has long backed the movement and he is a member of the Democratic Socialists of America, a far-left party committed to anti-Israel activism.”<sup>13</sup>

As *The New York Times* reported, Kiswani and WOL’s marches have shut down bridges and “[t]heir chants of ‘Long live the Intifada!’ outside an exhibition memorializing victims of the Oct. 7 Hamas attack on Israel, drew condemnation from as high as the White House. Protesters in her orbit sometimes burn Israeli flags and fly the flags of Hamas and Hezbollah.”<sup>14</sup>

*The New York Times* further reported:

Within Our Lifetime’s anti-Zionism is so vitriolic that it has alienated some prominent critics of Israel’s war in Gaza, including Representative Alexandria Ocasio-Cortez, a New York Democrat. As protesters waved Hamas flags outside of a Nova Music Festival commemoration in June, Ms. Kiswani

<sup>12</sup> @correctedmedia, X (June 12, 2025, 9:06 AM). According to WOL’s own website description, the group is intended to be a “promise,” a “call to action,” and a “steadfast belief that no matter what obstacles we will face, victory of the oppressed is inevitable.” *About*, WITHIN OUR LIFETIME, (last visited July 3, 2025), <https://wolpalestine.com/sample-page/>. WOL further believes that Palestine has a “Right to Return,” meaning that they “uphold the right of all Palestinian refugees to return to their homeland in all of historic Palestine from the Jordan River to the Mediterranean Sea,” and that the “liberation of Palestine requires the abolition of zionism.” *Points of Unity*, WITHIN OUR LIFETIME, (last visited July 3, 2025), <https://wolpalestine.com/sample-page/points-of-unity/>. WOL further states that “[w]e defend the right of Palestinians as colonized people to resist the zionist occupation by any means necessary,” and that “we uphold the right of all oppressed nationality people in the United States and around the world to engage in all forms of struggle in pursuit of freedom.” *Id.*

<sup>13</sup> Tress, *NYC mayoral candidate Mamdani declared he’s anti-Zionist at 2021 protest, video shows*, THE TIMES OF ISRAEL (May 30, 2025, 3:44 AM), <https://www.timesofisrael.com/nyc-mayoral-candidate-mamdani-declared-hes-anti-zionist-at-2021-protest-video-shows/>.

<sup>14</sup> Otterman, *Pro-Palestinian Group Is Relentless in Its Criticism of Israel, and It Isn’t Backing Down*, NEW YORK TIMES (Oct. 6, 2024), <https://www.nytimes.com/2024/10/05/us/within-our-lifetime-pro-palestinian-activism.html>.





called the festival, where hundreds were killed on Oct. 7, “the place where Zionists decided to rave next to a concentration camp.”<sup>15</sup>

In fact, Kiswani posted on X on October 8, 2024 further supporting Hamas’ attacks against Israel: “October 7th has always been a day against Nazism, and now it’s [*sic*] counterpart Zionism! Long live resistance against Nazism, Zionism, white supremacy, and all forms of genocide, settler colonialism, and fascism! Long live October 7th!”<sup>16</sup> Similarly, “[i]n June 2024, WOL commemorated the massacre at the Supernova music festival by setting off flares, waving Hamas flags, and displaying banners with messages that read, ‘Long live October 7’ and ‘The Zionists are not Jews and not humans.’”<sup>17</sup>

Additionally, Mamdani has protested beside others who held up signs endorsed by Samidoun, which the U.S. Department of the Treasury’s Office of Foreign Assets Control (“OFAC”) designated “as a sham charity that serves as an international fundraiser for the Popular Front for the Liberation of Palestine (PFLP) terrorist organization.”<sup>18</sup> The Treasury Department further provided: “The PFLP, which was designated as a Foreign Terrorist Organization and a Specially Designated Global Terrorist by the U.S. Department of State in October 1997 and October 2001, respectively, uses Samidoun to maintain fundraising operations in both Europe and North America.”<sup>19</sup>

As *The Jerusalem Post* reported, Mamdani “marches with the most vile antisemites from radical jihad groups like Within Our Lifetime, which call for the death of Jews almost daily on the streets of NYC. This is the culture he represents — this is the company he keeps.”<sup>20</sup> To be sure that Mamdani participated in that protest alongside WOL and Kiswani *after* he took his oath, Kiswani even acknowledged in a June 21, 2025 X post that Mamdani was in fact near her in the crowd of protesters and that the protest occurred in 2021.<sup>21</sup>

#### **b. Mamdani Refused to Condemn Hamas’ Call to Kill All Jews**

Mamdani has further provided aid or comfort to Hamas by refusing to condemn Hamas’ rhetoric calling for the slaughter of all Jews. Indeed, Mamdani refuses to condemn the phrase “globalize the intifada,” which as Congressman Andy Ogles noted in his June 26, 2025 letter to Attorney General Pam Bondi, calls to expand violent attacks on civilians to the United States and

<sup>15</sup> *Id.*

<sup>16</sup> @NerdeenKiswani, X (Oct. 8, 2024, 3:03 PM).

<sup>17</sup> Genn, *Which pro-Palestinian campus orgs. are accused of ties with Hamas? – explainer*, THE JERUSALEM POST (updated Mar. 26, 2025 (19:19), <https://www.jpost.com/diaspora/antisemitism/article-847531>).

<sup>18</sup> Press Release, *United States and Canada Target Key International Fundraiser for Foreign Terrorist Organization PFLP*, U.S. DEP’T OF THE TREASURY (Oct. 15, 2024), <https://home.treasury.gov/news/press-releases/jy2646>.

<sup>19</sup> *Id.*

<sup>20</sup> Fox, *Mamdani is a wolf in sheep’s keffiyehs – opinion*, THE JERUSALEM POST (updated June 30, 2025, 18:49), <https://www.jpost.com/opinion/article-859465>.

<sup>21</sup> @NerdeenKiswani, X (June 21, 2025, 9:23 PM).



around the world.<sup>22</sup> Critically, the phrase “globalize the intifada” is linked directly to Hamas and its killing of Jews:

The phrase “globalize the intifada” evokes the violent periods from 1987 to the early 1990s and 2000-2005 when close to 1,000 Israelis were killed or injured by Palestinian terror attacks, including suicide bombings in civilian areas and bus bombings. Two particularly brutal attacks include the June 2001 bombing of a Tel Aviv disco that killed 21 Israelis — 16 of them teenagers — and the July 2002 Hebrew University massacre, when nine people were murdered, including five Americans. Both attacks were carried out by Hamas.<sup>23</sup>

“In today’s environment, chants of ‘intifada revolution’ or calls to ‘globalize the intifada’ function less as historical references and more as rallying cries — ones that, whether knowingly or not, incite violence against Jews, Israelis and Zionists.”<sup>24</sup>

Thus, by Mamdani refusing to condemn such a phrase, he is affirmatively comforting those—like Hamas—who use the phrase to entice the public to initiate violence against Jews.<sup>25</sup>

*The Jerusalem Post* provided a helpful list of Mamdani’s antisemitic actions, which includes but is not limited to:

- He has justified “global intifada” — a phrase calling to murder Jews worldwide — and even compared it to Jews being freed from Nazi death camps.
- He starred in music videos praising literal convicted Hamas financial backers, the “Holy Land Five.”<sup>26</sup>
- He regularly calls Israel an “ethno-state,” while refusing to acknowledge the 57 Muslim/Arab-majority countries that surround it without protest.

<sup>22</sup> See, e.g., Stancy, *Trump threatens to arrest Mamdani if he doesn't comply with ICE officials*, FOX NEWS (updated July 1, 2025, 5:43 PM EDT), <https://www.foxnews.com/politics/trump-threatens-arrest-mamdani-he-doesnt-comply-ice-officials>.

<sup>23</sup> Schwitzer, *This is What “Globalize the Intifada” Looks Like*, AMERICAN JEWISH COMMITTEE (June 3, 2025), <https://www.ajc.org/news/this-is-what-globalize-the-intifada-looks-like>.

<sup>24</sup> *Id.*

<sup>25</sup> Further, Israel is one of the strongest allies of the United States. Those that seek to destroy Israel and the innocent people of Israel should thus be treated as enemies to the United States. This is especially the case for Hamas, which the United States officially declared as a foreign Terrorist Organization on October 8, 1997. *Foreign Terrorist Organizations*, U.S. DEP’T OF STATE (last visited July 3, 2025), <https://www.state.gov/foreign-terrorist-organizations/>.

<sup>26</sup> Indeed, as already mentioned in Congressman Ogles’ June 26, 2025 letter to Attorney General Pam Bondi, “Mr. Mamdani expressed open solidarity with individuals convicted of terrorism-related offenses prior to becoming a U.S. citizen.” For instance, Mamdani called for the Holy Land Five to be freed (referring to them as “my guys”), whereby the Holy Land Foundation was convicted in 2008 for providing material support to Hamas. Even though this act occurred *before* he took the oath to the U.S. Constitution, it provides further support and insight as to Mamdani’s allegiance to the enemies of the United States. This is especially true in light of the fact that Mamdani never retracted any of his prior statements related to this act.



- He attacks Israel and the US for trying to stop Iran from making nuclear weapons, instead of criticizing the Ayatollah for building them to wage a nuclear Holocaust.<sup>27</sup>

Moreover, because of Mamdani's anti-Jewish and pro-Hamas positions, he has affected public behavior by creating an environment where his followers feel that it is appropriate to celebrate genocide:

In the days since Mamdani's win, antisemites online have only grown more emboldened. I've seen people openly posting "The intifada has been globalized," telling Jews to "leave New York," and even saying "Hitler would have loved this." This is the climate Mamdani has helped create — one where genocidal slogans are no longer fringe, but viral. Like many grifters these days, he surfs on the algorithmic waves of antisemitism.<sup>28</sup>

### **c. Mamdani Comforted His Pro-Hamas Chapter of Students for Justice in Palestine**

Additional support that Mamdani is sympathetic to Hamas and has provided comfort to its cause is demonstrated through his founding of and continued support to his college's (Bowdoin College) Students for Justice in Palestine chapter.<sup>29</sup> "Bowdoin became one of several colleges and universities to receive a [letter] from the House of Representatives' Committee on Education and Workforce investigating institutional responses to student protests about the war in Gaza."<sup>30</sup>

Specifically, the letter noted that "Bowdoin Students for Justice in Palestine (Bowdoin SJP) organized an illegal encampment inside the college's Smith Union student center from February 6 to February 10, 2025."<sup>31</sup> The letter also reports that "[i]n a February 6 social media post announcing the Encampment, Bowdoin SJP wrote, 'It's time to escalate for Palestine. Long live the Student Intifada.'"<sup>32</sup>

<sup>27</sup> Fox, *Mamdani is a wolf in sheep's keffiyehs – opinion*, THE JERUSALEM POST (updated June 30, 2025, 18:49), <https://www.jpost.com/opinion/article-859465>.

<sup>28</sup> *Id.*

<sup>29</sup> Zohran K. Mamdani, *Biography*, NY ASSEMBLY (last visited July 3, 2025), <https://nyassembly.gov/mem/Zohran-K-Mamdani>.

<sup>30</sup> Kilbride & Patel, *College grapples with Congressional investigation following SJP encampment*, THE BOWDOIN ORIENT (Apr. 4, 2025), <https://bowdoinorient.com/2025/04/04/college-grapples-with-congressional-investigation-following-sjp-encampment/>.

<sup>31</sup> Letter from Committee on Education and Workforce, U.S. House of Representatives to Bowdoin College dated March 27, 2025, [https://edworkforce.house.gov/uploadedfiles/ltr\\_to\\_bowdoin\\_coll\\_3.27.2025.pdf](https://edworkforce.house.gov/uploadedfiles/ltr_to_bowdoin_coll_3.27.2025.pdf).

<sup>32</sup> *Id.*





Notably, not only did Mamdani found the Bowdoin SJP chapter and, but he affirmatively provided support and comfort to the SJP conduct and beliefs via an Instagram video post on May 2, 2024.<sup>33</sup>

In fact, under the Heritage Foundation’s Project Esther framework—which provides a blueprint to counter antisemitism in the United States and ensure the security and prosperity of all Americans—SJP is considered part of the Hamas Support Network, which is a network of organizations that support Hamas and try “to compel the U.S. government to abandon its long-standing support for Israel.”<sup>34</sup> Any group that vows allegiance to Hamas—an official enemy of the United States—is likewise an enemy of our nation. Showing support and comfort and aiding in such organizations’ continued ability to corrupt the minds of Americans and to organize calls to action to kill Jews is unacceptable, despicable, and grounds for disqualification.

There is no doubt that Mamdani will continue preaching antisemitism, genocide, and support for terrorist organizations that seek to destroy the Jewish people and Israel—America’s valuable ally. In fact, a week after the above-discussed protest that Mamdani participated in with WOL, “activists affiliated with Within Our Lifetime assaulted a Jewish man in midtown Manhattan and have since been imprisoned for hate crimes.”<sup>35</sup>

Section 3 of the 14th Amendment was created to prevent this very type of individual from gaining political power and to stop anti-American rebellion from occurring. Mamdani becoming Mayor of New York City will undoubtedly put American citizens and America’s allies in grave danger.

## **2. Mamdani Aided and Comforted MS-13, TdA, and other Enemies within New York City**

On January 20, 2025, President Donald J. Trump issued an Executive Order designating cartels and other organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists. Specifically, the Executive Order stated that Tren de Aragua (TdA) and La Mara Salvatrucha (MS-13) pose threats to the United States, and that “[t]heir campaigns of

<sup>33</sup> Bowdoin Students For Justice in Palestine (@bowdoinsjp), INSTAGRAM (May 2, 2024), [https://www.instagram.com/p/C6exLAELU2S/?hl=en&img\\_index=1](https://www.instagram.com/p/C6exLAELU2S/?hl=en&img_index=1)

<sup>34</sup> *Project Esther: A National Strategy to Combat Antisemitism*, THE HERITAGE FOUNDATION (Oct. 7, 2024), <https://www.heritage.org/progressivism/report/project-esther-national-strategy-combat-antisemitism>.

<sup>35</sup> Tress, *NYC mayoral candidate Mamdani declared he’s anti-Zionist at 2021 protest, video shows*, THE TIMES OF ISRAEL (May 30, 2025, 3:44 AM), <https://www.timesofisrael.com/nyc-mayoral-candidate-mamdani-declared-hes-anti-zionist-at-2021-protest-video-sho-wo/>. What is more, Mamdani regularly calls for others to join his fight against the Jewish people. For instance, in a May 14, 2021 X post, Mamdani wrote: “Every single one of my constituents that has written to me about Palestine has supported my call for Boycott, Divestment, and Sanctions on Israel,” and continued to write: “The tide is turning. The fight for justice is here. The moment is now. And there’s always room for you to join.”



violence and terror in the United States and internationally are extraordinarily violent, vicious, and similarly threaten the stability of the international order in the Western Hemisphere.”<sup>36</sup> Notably, the Executive Order provided:

The Cartels and other transnational organizations, such as TdA and MS-13, operate both within and outside the United States. ***They present an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I hereby declare a national emergency, under IEEPA, to deal with those threats.***<sup>37</sup>

The Executive Order further directed, *inter alia*:

[T]he ***Secretary of State shall take all appropriate action***, in consultation with the Secretary of the Treasury, the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, ***to make a recommendation regarding the designation of any cartel or other organization*** described in section 1 of this order ***as a Foreign Terrorist Organization*** consistent with 8 U.S.C. 1189 ***and/or a Specially Designated Global Terrorist*** consistent with 50 U.S.C. 1702 and Executive Order 13224.

and

***[T]he Attorney General and the Secretary of Homeland Security shall take all appropriate action***, in consultation with the Secretary of State, ***to make operational preparations regarding the implementation of any decision I make to invoke the Alien Enemies Act, 50 U.S.C. 21 et seq., in relation to the existence of any qualifying invasion or predatory incursion against the territory of the United States by a qualifying actor, and to prepare such facilities as necessary to expedite the removal of those who may be designated under this order.***<sup>38</sup>

On February 20, 2025, the U.S. Department of State “announce[d] designation of Tren de Aragua (TdA), Mara Salvatrucha (MS-13), Cártel de Sinaloa, Cártel de Jalisco Nueva Generación (CJNG), Cártel del Noreste (CDN), La Nueva Familia Michoacana (LNFM), Cártel de Golfo (CDG), and Cárteles Unidos (CU) as Foreign Terrorist Organizations (FTOs) and

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<sup>36</sup> Exec. Order, *Designating Cartels And Other Organizations As Foreign Terrorist Organizations And Specially Designated Global Terrorists*, The White House (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/designating-cartels-and-other-organizations-as-foreign-terrorist-organizations-and-specially-designated-global-terrorists/>.

<sup>37</sup> *Id.* (emphasis added).

<sup>38</sup> *Id.* (emphasis added).



Specially Designated Global Terrorists (SDGTs).”<sup>39</sup> The U.S. Department of Homeland Security similarly embarked on a mission to send ICE agents to New York City (and elsewhere) to find and arrest those declared terrorists and enemies of the United States, including—and especially—members of MS-13 and TdA. Indeed, per a U.S. Department of Justice April 2, 2025 press release:

“The American people are safer following the arrest of yet another MS-13 leader thanks to the Department of Justice’s Criminal Division and Joint Task Force Vulcan,” said Attorney General Pamela Bondi. “This terrorist entered our country illegally and is accused of orchestrating 11 murders — under President Trump’s leadership, *we will not rest until this terrorist organization is completely dismantled and its members are behind bars.*”

“*The arrest of yet another violent and dangerous MS-13 leader is a major win* for our FBI agents, law enforcement partners, and safer American streets,” said FBI Director Kash Patel. “Our agents and analysts are continuously coordinating across multiple field offices and investigating with our valued partners to keep this work going — and we will not stop until that work is done.”

According to court documents, MS-13 is a national and transnational gang composed largely of individuals of Salvadoran or other Central American descent. MS-13 has more than 10,000 members regularly conducting gang activities in at least 10 states and Washington, D.C., with thousands more conducting gang activities in Central America and Mexico. MS-13 operates through the use of intimidation and violence, including murder, and enriching members and associates through criminal activities, including breaking into houses and stealing firearms, jewelry, cash, and other items of value, and selling narcotics. MS-13 is organized by subsets known as “cliques,” and each clique typically has one or more leaders, commonly referred to as “shot callers.”<sup>40</sup>

There is thus no question that it is the federal government’s priority to find and arrest MS-13 and TdA members and leaders. Anyone who impedes the government’s ability to do so is aiding and comforting MS-13 and TdA, *i.e.*, aiding and comforting recognized terrorist organizations.

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<sup>39</sup> Fact Sheet, *Designation of International Cartels*, U.S. DEP’T OF STATE, OFFICE OF THE SPOKESPERSON (February 20, 2025), <https://www.state.gov/designation-of-international-cartels/>; see also *Foreign Terrorist Organizations*, U.S. DEP’T OF STATE (last visited July 3, 2025), <https://www.state.gov/foreign-terrorist-organizations/> (declaring MS-13 and Tren de Aragua as Foreign Terrorist Organizations on February 20, 2025).

<sup>40</sup> Press Release, *High Ranking MS-13 Leader and Fugitive Wanted for Multiple Murders Found and Arrested in Long Island*, OFFICE OF PUBLIC AFFAIRS, U.S. DEP’T OF JUSTICE (Apr. 2, 2025), <https://www.justice.gov/opa/pr/high-ranking-ms-13-leader-and-fugitive-wanted-multiple-murders-found-and-arrested-long> (emphasis added).



Notwithstanding, Mamdani has explicitly stated that he will not cooperate with ICE and the government's efforts to find and arrest these terrorists. For example, in a June 14, 2025 X post, Mamdani stated: "We are going to protect our immigrant communities and *not collaborate with ICE*."<sup>41</sup>

Similarly, on February 4, 2025, Mamdani posted a video and comment on X stating that he asked Mayor Adams to "deny ICE access to schools, hospitals and other city property,"<sup>42</sup> and on June 12, 2025 he stated: "When I'm Mayor, the NYPD will serve the public safety of New Yorkers—not assist Trump's ICE agents tearing apart families and spreading fear through our neighborhoods."<sup>43</sup>

Indeed, at one point, Mamdani made a promise to "*kick the fascist ICE out of New York City*,"<sup>44</sup> and his campaign site stated that "[h]e'll ensure our immigrant New Yorkers are protected by strengthening our sanctuary city apparatus: *getting ICE out of all City facilities and ending any cooperation*, increasing legal support, and protecting all personal data."<sup>45</sup>

Furthermore, Mamdani's June 8, 2025 X post called to "Free Mahmoud," referring to Mahmoud Khalil who was arrested by ICE for hiding his "ties to the controversial United Nations agency for Palestinian refugees on his visa application," which is a group "known as UNRWA, a relief agency that was infamously stripped of tens of millions of dollars in federal funding after an explosive report that some of its members took part in Hamas' Oct. 7, 2023, attack on Israel"; in fact, Khalil was a political affairs officer with UNRWA in 2023.<sup>46</sup>

<sup>41</sup> @ZohranKMamdani, X (June 14, 2025, 8:49 AM) (emphasis added).

<sup>42</sup> @ZohranKMamdani, X (Feb. 4, 2025, 11:40 AM).

<sup>43</sup> @ZohranKMamdani, X (June 12, 2025, 7:21 PM).

<sup>44</sup> In fact, Mamdani here arguably attempted to engage in an insurrection with this statement, or set up plans to engage in an insurrection when/if he takes the office of Mayor. "The term 'insurrection,' as understood by knowledgeable nineteenth-century Americans and Section Three's framers, referred to an (1) assemblage of persons, (2) acting to prevent the execution of one or more federal laws, (3) for a public purpose, (4) through the use of violence, force, or intimidation, by numbers." *Griffin*, 2022 WL 4295619, at \*17. Here, Mamdani is vowing to defy federal law by kicking ICE out of the City (*i.e.*, through use of force or intimidation), and he is making the statement publicly to draw large support and participation from others who share his anti-ICE views. "Section Three's framers and nineteenth-century Americans did not understand an. insurrection to require actual violence; intimidation by numbers sufficed." *Id.*

<sup>45</sup> McEntyre, *Trump's border czar Tom Homan delivers stark warning to Zohran Mamdani after NYC primary win: 'Game on'*, NEW YORK POST (June 26, 2025, 3:49 AM ET), <https://nypost.com/2025/06/26/us-news/trump-border-czar-homan-rips-into-nyc-mamdani-mayoral-campaign-against-ice-agents/> (emphasis added).

<sup>46</sup> @ZohranKMamdani, X (June 8, 2025, 9:54 AM); DeGregory, *Mahmoud Khalil hid ties to UNRWA on green card application, feds say as they hit anti-Israel agitator with new accusations*, NEW YORK POST (Mar. 24, 2025, 1:25 PM ET), <https://nypost.com/2025/03/24/us-news/mahmoud-khalil-hid-ties-to-unrwa-on-green-card-application-feds-say-as-they-hit-anti-israel-agitator-with-new-accusations/>. In fact, Mamdani has a long history of defending and comforting terrorists, including Boston Bomber Dzhokhar Tsarnaev and Al-Qaeda member Anwar al-Awlak. @ZohranKMamdani, X (Apr. 20, 2013, 11:57 AM); @ZohranKMamdani, X (Aug. 27, 2015); see also @AdamsWarRoom, X (July 4, 2025, 2:39 PM).



There are many more examples of public statements by Mamdani calling for the end of all cooperation with ICE and the arrest and detention of illegal immigrants, many of whom include those designated as terrorists.

The bottom line is this: Mamdani has not only provided known terrorist organizations present in New York City with comfort by calling to remove ICE presence from common locations where such enemies are likely to be found. He has also been aiding terrorist organizations by affirmatively demanding Mayor Adams and everyone to refuse to cooperate with the United States' very efforts to find and arrest these terrorists and enemies—including using his influential public position to do so. Such actions squarely fall within the type of conduct covered by the Disqualification Clause and therefore require Mamdani to be immediately disqualified from the New York City mayoral race.

### **3. Mamdani Aided and Comforted Communist and Marxist Ideologies by Seeking to Plaque New York City with Communist and Marxist Policies**

Finally, another justification for Mamdani's disqualification is his aid or comfort to communist and Marxist ideology, which President Trump himself has previously declared as an enemy of the United States.

On October 6, 2024 during his rally in Juneau, Wisconsin, President Trump declared: "The enemy from within, the fascists, the Marxists, the communists are more dangerous than Russia and China and other people."<sup>47</sup> While there is no doubt that Mamdani is a self-proclaimed socialist—having explicitly stated that he does not like capitalism, believes there should be no billionaires, and seeks to introduce socialism into New York City—his policies and beliefs truly reflect communist and Marxist ideologies. As Press Secretary Karoline Leavitt stated during the June 30, 2025 White House Press Conference, Mamdani is "quite literally a communist and condemns every value that makes this country great—common sense, law and order, lower taxes, working hard, and earning your keep in this country—he's against all of that, and I think the President would find it difficult to work with someone like that."<sup>48</sup> Therefore, to the extent Mamdani promotes communism in New York City—the financial capital of the world and most populous American city—he is aiding the introduction and presence of communism in the American economy.

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<sup>47</sup> See Richardson, *Donald Trump Declares Marxists and Communists Key Enemies of the United States*, NEW WORKER, (Oct. 29, 2024), <https://newworker.us/domestic/donald-trump-declares-marxists-and-communists-key-enemies-of-the-united-states/>.

<sup>48</sup> Press Secretary Karoline Leavitt Briefs Members of the Media, June 30, 2025, THE WHITE HOUSE (June 30, 2025), at 10:28-10:44, <https://www.whitehouse.gov/videos/press-secretary-karoline-leavitt-briefs-members-of-the-media-june-30-2025/>.



Even if there is not enough evidence to establish Mamdani is a communist, there is support to show he is a Marxist: “it appears that Mamdani may be a Marxist, based on recently revealed comments he has made. In one speech before the Young Democratic Socialists of America conference, Mamdani even states matter-of-factly how one of the goals is to “seize the means of production” in America.”<sup>49</sup> Specifically, Mamdani stated:

“Right now, if we’re talking about the cancellation of student debt, if we’re talking about Medicare for all, you know, these are issues which have the groundswell of popular support across this country. But then there are also other issues that we firmly believe in, whether it’s BDS or whether it is the end goal of seizing the means of production, where we do not have the same level of support at this very moment.”<sup>50</sup>

Thus, “Mamdani’s categorical opposition to capitalism and his references to seizing control of the means of production suggest more extreme Marxist views.”<sup>51</sup> Mamdani therefore is aiding and comforting the principles of communism, or alternatively, Marxism—both declared enemies of the United States by President Trump.

At the very least, there are some, although little, precedent for disqualifying a person for mere socialist beliefs and behavior:

The 1919 exclusion of Victor Berger from the House of Representatives also was based on purely expressive acts: The House refused to seat Berger after he was found guilty of Espionage Act violations for publishing statements espousing socialist opposition to U.S. involvement in World War I. The House took these statements as giving “aid and comfort” to enemies during the war.<sup>52</sup>

Although Berger was eventually seated at a subsequent Congress after the Supreme Court threw out his conviction, this precedent lends support for disqualifying Mamdani for similar

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<sup>49</sup> Turley, *Why NYC’s Zohran Mamdani looks more and more like a hardcore Marxist*, FOX NEWS (July 1, 2025, 4:45 PM EDT), <https://www.foxnews.com/opinion/jonathan-turley-why-nycs-zohran-mamdani-looks-more-more-like-hardcore-marxist>.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Hempowicz, Janovsky, & Eisen, *The Constitution’s Disqualification Clause Can Be Enforced Today*, PROJECT ON GOVERNMENT OVERSIGHT (Nov. 15, 2022), <https://www.pogo.org/reports/the-constitutions-disqualification-clause-can-be-enforced-today>; see also Elsea, *The Insurrection Bar to Office: Section 3 of the Fourteenth Amendment*, LIBRARY OF CONGRESS (Sept. 7, 2022), <https://www.congress.gov/crs-product/LSB10569> (“Congress last used Section 3 of the Fourteenth Amendment in 1919 to refuse to seat a socialist Congressman accused of giv[ing] aid and comfort to Germany during the First World War, irrespective of the Amnesty Act.”).





behavior. It is uncontroverted that we need not first establish a criminal conviction to invoke the Disqualification Clause.<sup>53</sup>

#### IV. Conclusion

For the aforementioned reasons, it is “not only the right but the constitutional duty of the House to exclude [Mamdani].”<sup>54</sup> Accordingly, the New York Young Republican Club recommends that Congress should disqualify Zohran Kwame Mamdani pursuant to Section 3 of the 14th Amendment’s Disqualification Clause to prevent Mamdani from holding the public office of Mayor in New York City.

Respectfully,

Stefano Forte, President

Gavin Wax, Chairman

Philip Leggio, Recording Secretary

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<sup>53</sup> Additional examples of public officials disqualified under the Disqualification Clause can be found in a chart compiled by CREW (Citizens for Responsibility & Ethics in Washington) here: *Public Officials Adjudicated to be Disqualified under Section 3 of the Fourteenth Amendment*, CREW, <https://www.citizensforethics.org/wp-content/uploads/2023/07/Chart-of-Past-14.3-Disqualifications-rev.-07.10.23.pdf>.

<sup>54</sup> Bomboy, *The last insurrection case considered by Congress*, NATIONAL CONSTITUTION CENTER (Jan. 26, 2024), <https://constitutioncenter.org/blog/the-last-insurrection-case-considered-by-congress>.