

**Congress of the United States**  
**Washington, DC 20515**

August 26, 2020

The Honorable Henry Kerner  
Special Counsel  
Office of Special Counsel  
1730 M Street, N.W.  
Suite 218  
Washington, D.C. 20036-4505

Dear Special Counsel Kerner:

I'm writing to respectfully request that the Office of Special Counsel (OSC) investigate whether Acting DHS Secretary Chad Wolf and other senior members of the Trump Administration violated the Hatch Act on August 25, 2020 through using their positions, official resources, and the White House itself, to participate in the Republican National Convention. Specifically, they coordinated a citizenship ceremony and a pardon as elements in the convention's nationally-televised programming. These actions were clearly directed toward the specific success of a political party and candidates in a partisan race, including President Donald J. Trump. Through their actions, these officials mixed official government business with political activities as part of one of the largest political campaign events of the year.

Under the Hatch Act, any executive branch employee is explicitly barred from "us[ing] his official authority or influence for the purpose of interfering with or affecting the result of an election."<sup>1</sup> Activities covered by this prohibition include the official "[u]sing his or her official title while participating in political activity," with the act defining "political activity" as "an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group."<sup>2</sup>

Notably, the OSC has already acknowledged in its report on Kellyanne Conway that while the President and Vice President are exempt from the Hatch Act, executive branch employees acting on their behalf are not in turn exempted:

While the President is exempt from the Hatch Act, his exemption does not extend to any other employee, including those employed in the White House Office. OSC understands that [an employee's] job duties may include publicly reinforcing the Administration's positions on a host of policy issues. And the Hatch Act does not prohibit [an employee] from doing so, provided she carries out her job duties in a manner that complies with the law.<sup>3</sup>

On the evening of August 25, 2020, Rebecca Ballhaus, a journalist reporting for the Wall Street Journal, tweeted that a White House official argued the naturalization ceremony led by Acting Secretary Wolf didn't violate the Hatch Act because the White House "publicized the content of the event on a public website this afternoon and the campaign decided to use the publically available content for campaign purposes."<sup>4</sup> Regardless of what the White House may contend was the nature of the scheduling, I would point you again to the Hatch Act itself which is explicit about purpose as it prohibits an executive branch employee from, "us[ing] his official authority or

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<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> 5 C.F.R. § 734.302(b)(1), 5 C.F.R. § 734.101.

<sup>3</sup> Office of Special Counsel, Report of Prohibited Political Activity under the Hatch Act OSC File No. HA-18-0966 (Kellyanne Conway), Mar. 6, 2018

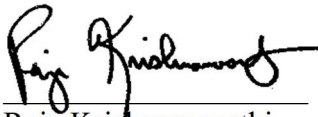
<sup>4</sup> [Ballhaus, Rebecca, Tweet, August 25, 2020](#)

influence for the purpose of interfering with or affecting the result of an election.”<sup>5</sup> The publicization of the event offers no defense for actions clearly orchestrated for the purpose of influencing an election as part of a nationally-televised partisan event carefully planned days, if not weeks, in advance.

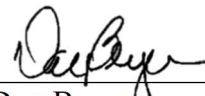
The Hatch Act explicitly prohibits federal employees from participating in partisan political activity in an official capacity, barring them from engaging in any activity directed toward the success or failure of any political party or candidate. The inclusion of Acting Secretary Wolf and other federal employees in an official capacity in the proceedings of the Republican National Convention, which explicitly advocates for the success of a political party, appears to have violated the Hatch Act, and OSC should immediately commence an investigation and take appropriate disciplinary action against those involved and responsible.

We request an update on your actions on this matter by September 9<sup>th</sup>.

Sincerely,



Raja Krishnamoorthi  
Member of Congress



Don Beyer  
Member of Congress

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<sup>5</sup> 5 U.S.C. § 7323(a)(1).