

LAWLESSNESS AND DISORDER:

The Corrupt Trump Administration Has Made A Mockery of the Hatch Act



HATCH ACT



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Executive Summary

Donald Trump is the most corrupt president in our nation's history, leading an administration that has been involved in dozens of corruption-related scandals. From top to bottom, administration officials regularly ignore the law and refuse to hold those who break it accountable. One prominent example of this corruption is the ongoing shredding of the Hatch Act by dozens of Trump administration officials.

The Hatch Act prohibits federal employees from engaging in certain political activities so that they do not use their government titles or taxpayer resources to promote or influence partisan politics while in office. These protections are important: they ensure that civil servants who are paid with taxpayer funds are not engaging in political work, and they prevent sitting presidents from using the federal government as an arm of their political campaigns.

This report provides a comprehensive review of Trump administration officials' compliance with the Hatch Act, the law designed to prevent the waste of taxpayer dollars and inappropriate use of federal positions for partisan purposes, revealing that:

- Under President Trump's watch, 14 administration officials have been found to have violated the Hatch Act over 50 times. At least another 22 officials are presently under investigation for nearly 100 more violations.
- In the Trump administration, the corruption starts at the top. The President's Chief of Staff, his Attorney General, his Secretary of State and eight other cabinet secretaries, his Senior Counselor, his family members, and numerous other top officials have been accused of or found to have violated the Act.
- Despite these repeated and flagrant violations, these Trump administration officials have not faced any meaningful consequences. Again and again, the President's friends and political allies have misused their public positions and broken the law, revealing that they believe that they are above it.

President Trump and multiple administration officials are responsible for these failures. The Hatch Act is enforced by the Office of Special Counsel (OSC), which is currently run by Special Counsel Henry J. Kerner, a Trump-appointed official – and this office's response to even clear violations of the law has been limited, opaque, and inconsistent. Any Hatch Act complaints that the OSC does deem worthy of disciplinary action are forwarded to The Merit Systems Protection Board (MSPB), where the Office of the Administrative Law Judge adjudicates and issues initial decisions on reports of Hatch Act violations. Under normal circumstances, appeals to those decisions are reviewed by a three-person board. However, for the first time in its history, there are currently no sitting board members at the MSPB, and there hasn't been a Board quorum since President Trump took office in January 2017.

These Board vacancies, and a years-long lack of a quorum, led the OSC to recommend disciplinary action against a high-ranking political appointee directly to President Trump. But he did not follow their recommendation to remove his Senior Counselor, Kellyanne Conway; he mocked the law and has done nothing to discipline those who have broken it or to prevent the repeated violations of the Hatch Act that have occurred under his watch.

This report provides a detailed review of Hatch Act violations by top administration officials under President Trump. It reveals, in comprehensive fashion, the extent to which President Trump and his administration are corruptly pulling the levers of government for partisan political purposes. As we draw closer to the end of the President's first term, the administration is "obliterating the lines between governing and campaigning,"¹ continuing to violate the Hatch Act and abuse official resources and taxpayer funds.

¹ Washington Post, "Trump obliterates lines between governing and campaigning in service of his reelection," David Nakamura, August 23, 2020, https://www.washingtonpost.com/politics/trump-white-house-convention/2020/08/23/6ff3b412-e261-11ea-8181-606e603bb1c4_story.html.

I. Introduction

The Hatch Act, passed by Congress and signed into law in 1939, “regulates the partisan political activities of most executive branch employees.”² The intent of the Hatch Act is to balance federal employees’ First Amendment rights to share their political opinions while simultaneously maintaining the operations and integrity of the Executive branch through an “efficient and impartial workforce”³ that is “immune from partisan influence.”⁴ The law is also meant “to protect federal employees from political coercion in the workplace, and to ensure that federal employees are advanced based on merit and not based on political affiliation.”⁵ Hence, the Hatch Act “aims to ensure that government works for all Americans, not just the politically connected or empowered.”⁶ It also seeks to prevent the use of taxpayer resources for political purposes and avoid “the appearance that a civil servant might use their authority to punish or reward another citizen for their political behavior.”⁷

The Hatch Act applies to “any individual, other than the President and Vice President, employed or holding office in: an Executive agency other than the Government Accountability Office.”⁸ It prohibits federal civilian workers from (1) using their “official authority or influence for the purpose of interfering with or affecting the result of an election,” (2) “soliciting, accepting, or receiving political contributions,” or (3) running for partisan office.⁹ The statute also prohibits such employees from “soliciting or discouraging participation in political activity of any person who either has an application for any grant, contract, license, or permit before the employing agency, or is the subject of or participant in an audit, investigation, or enforcement action by the employing agency” as well as from “engaging in political activity while on duty; on federal property, while wearing a uniform or official insignia, or in a government vehicle.”¹⁰

The Hatch Act does not ban all political activity by all federal employees: most executive branch employees are allowed to engage in partisan political activities while not on duty or in the workplace, although federal employees who are involved in national security, law enforcement, or elections related issues are strictly forbidden from political activities, including organizing partisan political events or actively participating in political campaigns, either on or off duty.¹¹

² Congressional Research Service, “The Hatch Act: A Primer,” April 20, 2020, pp.1-3, <https://fas.org/sgp/crs/misc/IF11512.pdf>.

³ *Id.*

⁴ Vox, “The Hatch Act, the law Trump flouted at the RNC, explained,” Ian Millhiser, August 26, 2020, <https://www.vox.com/2020/8/26/21402377/hatch-act-trump-rnc-mike-pompeo-white-house-rose-garden-melania-corruption>.

⁵ U.S. Office of Special Counsel, “Hatch Act,” <https://osc.gov/Services/Pages/HatchAct.aspx>.

⁶ Forbes, “Here’s Why Trump Officials Rarely Face Penalties for Hatch Act Violations,” Andrew Solender, August 27, 2020, <https://www.forbes.com/sites/andrewsolender/2020/08/26/heres-why-trump-officials-rarely-face-penalties-for-hatch-act-violations/#4f8265caa2d2>.

⁷ Washington Post, “Trump is going out of his way to blow off the Hatch Act this week,” Susan Hennessey and Scott R. Anderson, August 25, 2020, <https://www.washingtonpost.com/outlook/2020/08/25/trump-convention-hatch-act/>.

⁸ 5 U.S.C. 7322.

⁹ 5 U.S.C. 7323.

¹⁰ Congressional Research Service, “The Hatch Act: A Primer,” April 20, 2020, pp.1-3, <https://fas.org/sgp/crs/misc/IF11512.pdf>.

¹¹ *Id.*

The U.S. Office of Special Counsel (OSC) – an independent federal investigative agency – is responsible for enforcing the Hatch Act, including interpreting, implementing, and imposing penalties for violations.¹² The OSC is run by Special Counsel Henry Kerner, who was nominated by President Trump in May 2017.¹³ The OSC is authorized by law to issue advisory opinions under the Hatch Act¹⁴ and to investigate and prosecute alleged violations of the Hatch Act.¹⁵ Charges against an employee may be resolved through disciplinary action by the OSC itself (e.g., issuing a warning letter) or the agency may refer cases to be resolved through the U.S. Merit Systems Protection Board (MSPB).¹⁶ If employees are “in a confidential, policy-making, policy-determining, or policy-advocating position appointed by the President, by and with the advice and consent of the Senate,” then their cases should be “presented to the President for appropriate action.”¹⁷

The MSPB can determine if a Hatch Act violation has occurred and thus is subject to available penalties,¹⁸ which includes “disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand,” civil fines not to exceed \$1,000, or a combination of these measures.¹⁹ The MSPB’s Office of the Administrative Law Judge renders initial adjudications and decisions concerning Hatch Act violation complaints submitted by the OSC and brought by the Special Counsel.²⁰ If a decision is appealed, then a Petition for Review (PFR) is sent to the board which, under normal circumstances, is comprised of three members nominated by the President and confirmed by the Senate.²¹ For the first time in U.S. history, the MSPB board sits empty.²² The MSPB has been without a board quorum since January 2017 and has lacked any board members since March 2019,²³ which it needs to “play a key role in the effective functioning of the Federal Government” in order to “fully perform its mission and successfully face new challenges,” including issuing and enforcing decisions to ensure “taxpayers receive the benefit of their tax

¹² Congressional Research Service, “The Hatch Act: A Primer,” April 20, 2020, pp.1-3, <https://fas.org/sgp/crs/misc/IF11512.pdf>.

¹³ White House, “President Donald J. Trump Announces Intent to Nominate Henry Kerner to the Office of Special Counsel,” May 26, 2017, <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-announces-intent-nominate-henry-kerner-office-special-counsel/>.

¹⁴ U.S. Office of Special Counsel, “Hatch Act,” <https://osc.gov/Services/Pages/HatchAct.aspx>.

¹⁵ Congressional Research Service, “The Hatch Act: A Primer,” April 20, 2020, pp.1-3, <https://fas.org/sgp/crs/misc/IF11512.pdf>.

¹⁶ U.S. Office of Special Counsel, “Hatch Act,” <https://osc.gov/Services/Pages/HatchAct.aspx>.

¹⁷ 5 U.S.C. 1215.

¹⁸ Congressional Research Service, “The Hatch Act: A Primer,” April 20, 2020, pp.1-3, <https://fas.org/sgp/crs/misc/IF11512.pdf>.

¹⁹ 5 U.S.C. 7326.

²⁰ U.S. Merit System Protection Board, “Annual Performance Report – Annual Performance Plan for FY 2019-2021,” February 10, 2020,

<https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1699796&version=1705740&application=ACR OBAT>.

²¹ U.S. Merit Systems Protection Board, “Organization Functions & Delegations of Authority,” April 2011, <https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1279407&version=1284518&application=ACR OBAT>.

²² U.S. Merit Systems Protection Board, “Frequently Asked Questions about the Lack of Board Quorum and Lack of Board Members,” March 1, 2019, https://www.mspb.gov/FAQs_Absence_of_Board_Quorum_March_1_2019.pdf.

²³ *Id.*

dollars being used to employ the most qualified employees.”²⁴ As a result, the backlog of Hatch Act and other employment-related cases has been piling up and, as of January 2020, there were 2,529 pending cases before the MSPB.²⁵

II. Findings

Finding #1: Dozens of High-Ranking Trump Officials Have Committed or Are Alleged to Have Committed Over 100 Hatch Act Violations

President Trump and his administration officials, including numerous top aides and cabinet officials, have engaged in clear and ongoing efforts to use “the federal government to illegally bolster his personal political interests,”²⁶ and “the White House has been outwardly cavalier about its ethical behavior.”²⁷

Within the first year of President Trump taking office, formal complaints to the OSC jumped nearly 30 percent.²⁸ According to watchdog groups, “more higher profile staffers have violated the Hatch Act during the Trump administration”²⁹ than during the entire eight-year term of the Obama administration.³⁰ Allegations of Hatch Act violations have become so frequent under the Trump administration that OSC head, Special Counsel Henry Kerner, recently reported that the Hatch Act Unit office had to increase its staff “due to the growing number of complaints around the election.”³¹

There are 36 high-ranking Trump administration officials that have committed or are under investigation for allegations that they committed over 150 violations of the Hatch Act in which they used their government position to engage in partisan political activity, including promoting political candidates and attempting to interfere with or affect the outcome of an election.³² To date, the Office of Special Counsel has conclusively determined that 14 Trump

²⁴ U.S. Merit System Protection Board, “Annual Report for FY 2019,” January 31, 2020, <https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1697108&version=1703046&application=ACR&OBAT>.

²⁵ *Id.*

²⁶ Citizens for Responsibility and Ethics in Washington, “Kellyanne Conway eclipses 50 Hatch Act violations on Twitter,” October 21, 2019, <https://www.citizensforethics.org/reports-investigations/crew-reports/kellyanne-conway-eclipses-50-hatch-act-violations-on-twitter/>.

²⁷ Forbes, “Here’s Why Trump Officials Rarely Face Penalties for Hatch Act Violations,” Andrew Solender, August 27, 2020, <https://www.forbes.com/sites/andrewsolender/2020/08/26/heres-why-trump-officials-rarely-face-penalties-for-hatch-act-violations/#4f8265caa2d2>.

²⁸ Politico, “Federal agency recommends that Kellyanne Conway be removed from service,” Anita Kumar, June 13, 2019, <https://www.politico.com/story/2019/06/13/federal-agency-recommends-that-kellyanne-conway-be-removed-from-service-over-hatch-act-1364221>.

²⁹ Politico, “Complaints grow that Trump staffers are campaigning for their boss,” Anita Kumar, May 15, 2019, <https://www.politico.com/story/2019/05/15/trump-staff-campaign-complaints-1318864>.

³⁰ ProPublica, “It’s Illegal for Federal Officials to Campaign on the Job. Trump Staffers Keep Doing It Anyway,” Andrea Bernstein, August 12, 2020, <https://www.propublica.org/article/its-illegal-for-federal-officials-to-campaign-on-the-job-trump-staffers-keep-doing-it-anyways>.

³¹ Politico, “Meadows dismissed Hatch Act concerns at RNC: ‘Nobody outside of the Beltway really cares,’” Matthew Choi, August 26, 2020, <https://www.politico.com/news/2020/08/26/mark-meadows-hatch-act-rnc-402194>.

³² 5 U.S.C. 7323.

administration officials have violated the Hatch Act 54 times (Table I). And another 22 Trump officials are under investigation by the OSC based on allegations that they committed nearly 100 more violations of the Act (Table II). Some examples of these confirmed and alleged infractions include:

- **Kellyanne Conway**, *former Senior Counselor to the President*, was found to have violated the Hatch Act 35 times³³ and has committed over 50 alleged violations on Twitter alone.³⁴ The OSC found that in “at least 10 interviews...Ms. Conway used her official authority in an attempt to influence the presidential election” and that “[t]he sheer number of occurrences underscores the egregious nature of her violations.”³⁵ In response to these allegations, Ms. Conway mocked the law, stating “Let me know when the jail sentence starts.”³⁶ Her violations of the law were so egregious that the OSC recommended directly to President Trump that she be removed from her position – a recommendation that was ignored by the President.
- **Peter Navarro**, *Director of the White House Office of Trade and Manufacturing Policy*, is under investigation for violating the Hatch Act nearly 30 times since April 2020, mostly via social media,³⁷ which he has frequently used to attack President Trump’s opponent in the 2020 election.³⁸

³³ U.S. Office of Special Counsel, Report of Prohibited Activity Under the Hatch Act OSC File Nos. HA-19-0631 & HA-19-3395 (Kellyanne Conway), May 30, 2019, pp. 1-17, [https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Kellyanne%20Conway%20\(HA-19-0631%20&%20HA-19-3395\).pdf](https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Kellyanne%20Conway%20(HA-19-0631%20&%20HA-19-3395).pdf); U.S. Office of Special Counsel, “OSC Concludes Hatch Act Investigation of Kellyanne Conway, Finds Two Violations, and Refers Findings to President for Appropriate Disciplinary Action,” press release, March 6, 2018, <https://osc.gov/News/Pages/18-24-Kellyanne-Conway-Investigation.aspx>.

³⁴ Citizens for Responsibility and Ethics in Washington, “Kellyanne Conway eclipses 50 Hatch Act violations on Twitter,” October 21, 2019, <https://www.citizensforethics.org/reports-investigations/crew-reports/kellyanne-conway-eclipses-50-hatch-act-violations-on-twitter/>.

³⁵ U.S. Office of Special Counsel, Report of Prohibited Activity Under the Hatch Act OSC File Nos. HA-19-0631 & HA-19-3395 (Kellyanne Conway), May 30, 2019, pp. 1-17, [https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Kellyanne%20Conway%20\(HA-19-0631%20&%20HA-19-3395\).pdf](https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Kellyanne%20Conway%20(HA-19-0631%20&%20HA-19-3395).pdf).

³⁶ The Hill, “Kellyanne Conway dismisses Hatch Act violation: ‘Let me know when the jail sentence starts,’” Brett Samuels, May 29, 2019, <https://thehill.com/homenews/administration/445914-kellyanne-conway-dismisses-hatch-act-violation-let-me-know-when-the->

³⁷ Letter from Citizens for Responsibility and Ethics in Washington to the U.S. Office of Special Counsel and Peter Navarro, October 20, 2020, <https://www.citizensforethics.org/wp-content/uploads/2020/10/Navarro-Hatch-Act-10-20-2020-FINAL.pdf>; Letter from Citizens for Responsibility and Ethics in Washington to the U.S. Office of Special Counsel and Peter Navarro, October 5, 2020, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2020/10/05162431/Peter-Navarro-Hatch-Act-10-5-2020-FINAL.pdf>; Citizens for Responsibility and Ethics in Washington, “At least 15 more Hatch Act violations by Trump officials during the conventions,” Donald K. Sherman and Meredith Lerner, September 3, 2020, https://www.citizensforethics.org/reports-investigations/crew-investigations/at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions/?utm_source=rss&utm_medium=rss&utm_campaign=at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions; Letter from Citizens for Responsibility and Ethics in Washington to White House Counsel Pat Cipollone and Archivist of the United States David S. Ferriero, October 16, 2020, <https://www.citizensforethics.org/wp-content/uploads/2020/10/PRA-Letter-re-Peter-Navarro-2020.10.16.pdf>.

³⁸ Tweet by Peter Navarro, July 10, 2020, <https://twitter.com/RealPNavarro/status/1281616252360851456>; Tweet by Peter Navarro, August 23, 2020, <https://twitter.com/RealPNavarro/status/1297580010518327296>.

- **Ivanka Trump**, *Assistant to the President and White House Senior Advisor* and President Trump's daughter, has had multiple official complaints filed against her with the OSC for alleged violations of the Hatch Act on her Twitter account, which she uses both for official business and participation in partisan politics, including promoting President Trump's campaign for re-election and the campaign's trademark slogan.³⁹ Her activities have ramped up on social media in the weeks leading up to the presidential election, in which she is reported to have violated the Hatch Act eight times in just over 48 hours, and eleven more times in the week following.⁴⁰ Many of these alleged violations have centered around her campaigning all over the country to support her father for president, including campaign stops in Ohio, Wisconsin, Minnesota, Nevada, North Carolina, Pennsylvania, and Florida.⁴¹
- **Mike Pompeo**, *Secretary of State*, is under investigation by the OSC for a videotaped speech filmed during an official trip to Israel with Jerusalem as the backdrop and aired at the Republican National Convention on August 25th, 2020, in which he praised President Trump's foreign policy and moving the U.S. embassy to Jerusalem.⁴² The New York City Bar Association, comprised of approximately 25,000 lawyers across the U.S., requested that the Acting Inspector General of the State Department promptly investigate these actions as a potential Hatch Act violation and a violation of the State Department's own rule that Presidential appointees "may not even attend a political party convention or convention-related event."⁴³ The Hatch Act expressly prohibits on- and off-duty political activities for certain federal employees,⁴⁴ including those involved in national security matters, like Secretary Pompeo. Secretary Pompeo may also have violated the Hatch Act with other recent activities, including a foreign policy speech at the Wisconsin State Capitol⁴⁵ and a recent Fox News interview in which he pledged to work quickly to publicly release more of former Secretary Hillary Clinton's e-mails⁴⁶ in advance of the 2020 presidential election.

³⁹ Citizens for Responsibility and Ethics in Washington, "CREW requests review of potential Hatch Act violations by Trump Administration officials," press release, September 5, 2018, <https://www.citizensforethics.org/news/press-releases/crew-requests-review-of-potential-hatch-act-violations-by-trump-administration-officials/>; Letter from Citizens for Responsibility and Ethics in Washington to the Special Counsel Henry Kerner of the U.S. Office of Special Counsel, June 20, 2019, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2019/06/19211625/OSC-Ivanka-Trump-6-20-19-FINAL.pdf>.

⁴⁰ Citizens for Responsibility and Ethics in Washington, "Ivanka Trump violated the Hatch Act eight times in just over 48 hours," Linnaea Honl-Stuenkel, October 13, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/ivanka-trump-violated-the-hatch-act-eight-times-in-just-over-48-hours/>.

⁴¹ Tweets by Ivanka Trump from September 22, 2020 to October 15, 2020, <https://twitter.com/IvankaTrump>.

⁴² Letter from the New York City Bar to Acting Inspector General of the United States Department of State Diana Shaw, September 3, 2020, <https://s3.amazonaws.com/documents.nycbar.org/files/2020775-PompeoHatchAct.pdf>.

⁴³ *Id.*

⁴⁴ Congressional Research Service, "The Hatch Act: A Primer," April 20, 2020, pp.1-3, <https://fas.org/sgp/crs/misc/IF11512.pdf>.

⁴⁵ The Hill, "Pompeo accused of stumping for Trump ahead of election," Max Greenwood and Laura Kelly, September 24, 2020, <https://thehill.com/homenews/administration/517922-pompeo-accused-of-stumping-for-trump-ahead-of-election>.

⁴⁶ Fox News, "Pompeo responds to Trump's call on releasing Clinton's emails: 'We're getting them out,'" October 9, 2020, <https://video.foxnews.com/v/6199250903001#sp=show-clips>; Politico, "Pompeo says he's working to

- **Sonny Perdue**, *Secretary of the U.S. Department of Agriculture (USDA)*, was recently found to have violated the Hatch Act when he engaged in political activity advocating for the re-election of President Trump within his official capacity while on taxpayer-funded travel in North Carolina.⁴⁷ More recently, USDA officials may have violated the Hatch Act by mandating that federal contractors stuff millions of food boxes for needy families with promotional letters from President Trump, which would be seen just weeks prior to the presidential election.⁴⁸
- **Bill Barr**, *U.S. Attorney General*, allegedly violated the Hatch Act during a media interview in which he advocated for the re-election of President Trump and denigrated the President's political rivals while using his official government title.⁴⁹
- **Mark Meadows**, *White House Chief of Staff*, has been accused of violating the Hatch Act in two recent television interviews on the same day, in which he advocated for the re-election of President Trump.⁵⁰ In response to several Hatch Act violation accusations related to the Republican National Convention, which was held on the White House grounds in August, Mr. Meadows dismissed the claims stating, "Nobody outside of the Beltway really cares."⁵¹
- **Lynne Patton**, *Regional Administrator of the U.S. Department of Housing and Urban Development (HUD)*, has been reprimanded for Hatch Act violations by the OSC for using her official Twitter account to engage in political speech by "liking" partisan tweets by the Republican National Committee Chairwoman Ronna McDaniel, the GOP, and Kanye West.⁵² She also was found to have violated the Hatch Act for displaying campaign merchandise in her HUD office.⁵³ Despite these multiple warnings, Ms. Patton, again recently used her official position in an attempt to support the candidacy of President Trump, this time by misusing video recordings from interviews with tenants who are concerned with the housing conditions in the

release Clinton's State Department emails," Caitlin Oprysko, October 9, 2020, <https://www.politico.com/news/2020/10/09/pompeo-hillary-clinton-emails-428392>.

⁴⁷ Letter from U.S. Office of Special Counsel to Deputy Director of Citizens for Responsibility and Ethics in Washington Donald K. Sherman, October 8, 2020, <https://www.citizensforethics.org/wp-content/uploads/2020/10/HA-20-000394-Closure-Letter-to-CREW.pdf>.

⁴⁸ Politico, "Trump requires food aid boxes to come with a letter from him," Helena Bottemiller Evich, October 1, 2020, <https://www.politico.com/news/2020/10/01/trump-letter-food-aid-boxes-424230>.

⁴⁹ Letter from Citizens for Responsibility and Ethics in Washington to the Special Counsel Henry Kerner at the U.S. Office of Special Counsel, October 15, 2020, <https://www.citizensforethics.org/wp-content/uploads/2020/10/OSC-William-Barr-10-15-2020-FINAL.pdf>.

⁵⁰ Letter from Citizens for Responsibility and Ethics in Washington to the Special Counsel Henry Kerner at the U.S. Office of Special Counsel, July 15, 2020, <https://www.citizensforethics.org/wp-content/uploads/legacy/2020/07/2020-7-15-Mark-Meadows1.pdf>.

⁵¹ Politico, "Meadows dismissed Hatch Act concerns at RNC: 'Nobody outside of the Beltway really cares,'" Matthew Choi, August 26, 2020, <https://www.politico.com/news/2020/08/26/mark-meadows-hatch-act-rnc-402194>.

⁵² Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, September 18, 2019, <https://www.citizensforethics.org/wp-content/uploads/legacy/2019/09/Ltr-to-CREW-re-Patton.pdf>.

⁵³ *Id.*

New York City Housing Authority's buildings for partisan purposes that aimed to give President Trump a political advantage.⁵⁴

The dozens of violations identified in this report do not include several more recent activities or plans by Trump administration officials that may have violated the Hatch Act or other laws by engaging in political activities while acting in their official government roles. For example, top White House and U.S. Department of Health and Human Services (HHS) officials hatched a plan to spend billions of dollars of taxpayer funds to send Medicare discount drug cards to seniors in the days and weeks before the election – activities that top HHS attorneys concluded would violate election law.⁵⁵ And the United States Marine Band – presumably ordered to attend by White House or Department of Defense officials – performed on the White House grounds, in their uniforms, during what appeared to be a campaign rally for President Trump in which he delivered remarks to guests to “vote his opponents ‘into oblivion’” on October 10, 2020.⁵⁶ This “sweeping, comprehensive effort across multiple agencies of government...to find any and every way possible to boost the Trump campaign” has turned the federal government into “an engine of pro-Trump propaganda,” which has quickly ballooned in recent weeks as we draw closer to the 2020 election.⁵⁷

Finding #2: The Trump Administration Has Failed to Enforce the Hatch Act

To date, the OSC has conclusively identified 54 violations of the Hatch Act by fourteen Trump administration officials. But twelve of these officials got off with nothing but a warning letter, essentially facing no consequences for their violations of the law (Table I).⁵⁸

There have been multiple complaints filed with OSC about what appear to be clear violations of the Hatch Act, some of which have lingered without resolution for a year or more (Table II). For example, formal complaints were filed with the OSC against at least seven officials in the Trump administration, including Advisor to the President Ivanka Trump, Housing and Urban Development Secretary Ben Carson, former Acting Environmental Protection Agency Administrator Andrew Wheeler, and former Energy Secretary Rick Perry, who were reported to have been among a group of senior Trump staff and Cabinet members that participated in over 35 events as part of a coordinated effort to campaign for Republican candidates in August 2018

⁵⁴ The New York Times, “N.Y.C. Tenants Say They Were Tricked Into Appearing in R.N.C. Video,” Matthew Haag, August 31, 2020, <https://www.nytimes.com/2020/08/28/nyregion/nyc-tenants-rnc-video-trump.html>.

⁵⁵ Politico, “HHS lawyer: Trump’s drug cards could violate election law,” Dan Diamond, October 16, 2020, <https://www.politico.com/news/2020/10/16/hhs-lawyer-trump-drug-cards-election-law-429989>.

⁵⁶ Washington Post, “Trump taps U.S. Marine band for White House event and raises questions about employing the military for political purposes,” Paul Sonne, October 11, 2020, https://www.washingtonpost.com/national-security/marine-band-trump-politics/2020/10/11/cdee31ee-0bf3-11eb-bfcf-b1893e2c51b4_story.html.

⁵⁷ Washington Post, “Trump has turned the entire government into a subsidiary of his campaign,” Paul Waldman, October 1, 2020, <https://www.washingtonpost.com/opinions/2020/10/01/trump-has-turned-entire-government-into-subsidiary-his-campaign/>.

⁵⁸ The two exceptions were President Trump’s Senior Counselor, Kellyanne Conway, whose case is discussed below, and Agriculture Secretary Sonny Perdue, who was issued a “cure letter” necessitating he reimburse the U.S. Treasury for costs associated with his political activity.

just prior to the midterm elections.⁵⁹ An additional, separate complaint was filed against the Department of Homeland Security.⁶⁰ To date, there appears to have been no resolution of any of these cases by OSC.

In other cases, the OSC appears to have conducted plainly flawed investigations before clearing federal officials for what appear to be obvious violations of the Hatch Act. For example, a Hatch Act violation complaint filed against Jared Kushner, Senior Advisor to President Trump and the President's son-in-law, was dismissed after the OSC concluded that they were not violations because his remarks appeared in print rather than on video.⁶¹ But, "[n]othing in the Hatch Act provides that an executive branch employee's words can violate the law only if they are released in the form of video or a transcript of a video," wrote Citizens for Responsibility and Ethics in Washington (CREW) in a letter asking the OSC to reconsider their initial, impotent decision.⁶²

In the only case in which OSC called for harsh disciplinary action against a repeat Hatch Act offender, enforcement was thwarted by President Trump. In May 2019, the OSC took the unprecedented action of recommending that Senior Counselor to the President Kellyanne Conway be removed from her position because of her repeated and egregious violations of the Hatch Act.⁶³ In its report, OSC concluded that "Ms. Conway's conduct undermines public confidence in the Executive branch and compromises the civil service system that the Hatch Act was intended to protect."⁶⁴ The OSC submitted the request to President Trump and the White House directly,⁶⁵ but President Trump ignored the OSC recommendation, stating that he would not fire Ms. Conway for her repeated violations and that "it looks to me like they're trying to take away her right to free speech, and that's just not fair."⁶⁶

⁵⁹ Citizens for Responsibility and Ethics in Washington, "CREW Requests review of potential Hatch Act violations by Trump Administration officials," press release, September 5, 2018, <https://www.citizensforethics.org/news/press-releases/crew-requests-review-of-potential-hatch-act-violations-by-trump-administration-officials/>.

⁶⁰ Citizens for Responsibility and Ethics in Washington, "Huckabee Sanders, FLOTUS staff, Kudlow and others violated the Hatch Act," press release, November 16, 2018, <https://www.citizensforethics.org/news/press-releases/huckabee-sanders-flotus-staff-kudlow-and-others-violated-the-hatch-act/>.

⁶¹ Citizens for Responsibility and Ethics in Washington, "OSC erred in letting Jared Kushner off the hook," press release, April 9, 2020, <https://www.citizensforethics.org/news/press-releases/news-ethics-corruption-kushner-hatch-act-osc-erred/>.

⁶² *Id.*

⁶³ U.S. Office of Special Counsel, Report of Prohibited Activity Under the Hatch Act OSC File Nos. HA-19-0631 & HA-19-3395 (Kellyanne Conway), May 30, 2019, pp. 1-17, [https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Kellyanne%20Conway%20\(HA-19-0631%20&%20HA-19-3395\).pdf](https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Kellyanne%20Conway%20(HA-19-0631%20&%20HA-19-3395).pdf).

⁶⁴ *Id.*

⁶⁵ Politico, "How Kellyanne Conway saved her White House job," Rebecca Rainey, August 12, 2019, <https://www.politico.com/story/2019/08/12/kellyanne-conway-white-house-1656901>.

⁶⁶ Washington Post, "Trump says he won't fire Kellyanne Conway over Hatch Act violations," John Wagner and Michelle Ye Hee Lee, June 14, 2019, https://www.washingtonpost.com/politics/trump-says-he-wont-fire-kellyanne-conway-over-hatch-act-violations/2019/06/14/76f31a94-8e9f-11e9-adf3-f70f78c156e8_story.html.

When Special Counsel Henry Kerner recommended that Ms. Conway be removed, he was brazenly attacked by Republicans in Congress,⁶⁷ and this criticism may have made the OSC even less willing to endorse disciplinary action for violations of the law. For example, after the Conway case, Peter Navarro, Assistant to the President, Director of Trade and Manufacturing Policy, engaged in what appear to be multiple egregious violations of the Hatch Act, but the OSC failed to act on these allegations. Since April 2020, Mr. Navarro allegedly violated the Hatch Act 27 times in interviews and on social media, including on his Twitter account that he uses for official government business in his role as Assistant to the President and Director of Trade and Manufacturing Policy.⁶⁸ On multiple occasions on Twitter, he has used his official capacity to advocate on behalf of President Trump's re-election efforts and to degrade and demean President Trump's opponent.⁶⁹ But Mr. Navarro has faced no consequences for these violations, and recently created a loophole to avoid compliance problems "by deleting the Twitter account he used for official government business, creating a new account under a different name, and failing to disclose plans to ensure his tweets are properly archived," potentially violating the Presidential Records Act in the process.⁷⁰

Finding #3: President Trump May Have Violated the Law by Coercing Political Activity

Although the Hatch Act's restrictions on political activity while conducting official business do not apply to the President and Vice President, the criminal provision of the law involving coercion of political activity applies to all government officials, including the President.⁷¹ It states:

It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in section 7322(1) of title 5, United States Code, to engage in, or not to engage in, any political activity, including ... working or

⁶⁷ Washington Post, "Remember when conservatives believed no one was above the law?," Dana Milbank, June 26, 2019, https://www.washingtonpost.com/opinions/remember-when-conservatives-believed-no-one-was-above-the-law/2019/06/26/3bfbca34-9855-11e9-830a-21b9b36b64ad_story.html.

⁶⁸ Letter from Citizens for Responsibility and Ethics in Washington to the U.S. Office of Special Counsel and Peter Navarro, October 20, 2020, <https://www.citizensforethics.org/wp-content/uploads/2020/10/Navarro-Hatch-Act-10-20-2020-FINAL.pdf>; Letter from Citizens for Responsibility and Ethics in Washington to the U.S. Office of Special Counsel and Peter Navarro, October 5, 2020, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2020/10/05162431/Peter-Navarro-Hatch-Act-10-5-2020-FINAL.pdf>; Citizens for Responsibility and Ethics in Washington, "At least 15 more Hatch Act violations by Trump officials during the conventions," Donald K. Sherman and Meredith Lerner, September 3, 2020, https://www.citizensforethics.org/reports-investigations/crew-investigations/at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions/?utm_source=rss&utm_medium=rss&utm_campaign=at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions.

⁶⁹ *Id.*

⁷⁰ Citizens for Responsibility and Ethics in Washington, "CREW Complaint: Peter Navarro may have violated Presidential Records Act," October 16, 2020, <https://www.citizensforethics.org/legal-action/legal-complaints/crew-complaint-peter-navarro-may-have-violated-presidential-records-act/>.

⁷¹ Washington Post, "President Trump may have violated criminal provisions of the Hatch Act," Gary Stein, October 29, 2019, <https://www.washingtonpost.com/outlook/2019/10/29/president-trump-may-have-violated-criminal-provisions-hatch-act/>.

refusing to work on behalf of any candidate. Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both.⁷²

To the extent that President Trump has ordered the use of “executive branch powers for partisan ends,” he may have violated this provision of the Hatch Act.⁷³

For example, President Trump’s impeachment trial centered around his withholding of U.S. military aid to Ukraine so that he could obtain dirt on a political opponent. To do so, he would have had to direct government officials to withhold that federal aid, including U.S. Ambassador to the European Union Gordon Sondland and Mick Mulvaney, the director of the Office of Management and Budget and acting White House chief of staff.⁷⁴ The Project on Government Oversight requested investigations into both of these officials for potential Hatch Act violations and also suggested that their combined activities criminally implicated President Trump.⁷⁵ But the OSC refused to act, stating that “[t]hese investigations are...likely to yield a more fulsome fact-finding record than an OSC investigation could develop. Thus, OSC will defer to and monitor these investigations to determine if the developing evidentiary record raises Hatch Act concerns.”⁷⁶ OSC has not yet acted on these complaints.

More recently, President Trump demanded that Attorney General Barr investigate unsubstantiated claims about his political rival prior to the upcoming presidential election.⁷⁷ This demand for action and other activities aimed to help his re-election campaign that involve top administration officials – such as Acting Secretary of the U.S. Department of Homeland Security Chad Wolf leading a naturalization ceremony at the White House during the GOP convention⁷⁸ or the use of the taxpayer-funded United States Marine Band during a campaign rally on White House grounds⁷⁹ – may also represent commands or coercion by President Trump that would potentially violate the criminal provision of the Hatch Act. These are not the only examples of President Trump’s efforts to politicize federal institutions and employees: just last week, he signed a new executive order that opens the door for career civil servants to be discriminated

⁷² 18 U.S.C. 610.

⁷³ Washington Post, “President Trump may have violated criminal provisions of the Hatch Act,” Gary Stein, October 29, 2019, <https://www.washingtonpost.com/outlook/2019/10/29/president-trump-may-have-violated-criminal-provisions-hatch-act/>.

⁷⁴ *Id.*

⁷⁵ Letter from the Executive Director of The Project on Government Oversight Danielle Brian to Special Counsel Henry Kerner at the Office of Special Counsel, October 30, 2019, <https://www.pogo.org/letter/2019/10/pogo-files-hatch-act-complaint-against-mulvaney-and-sondland-in-ukraine-affair/>.

⁷⁶ Letter from Special Counsel Henry Kerner at the Office of Special Counsel to the Executive Director of The Project on Government Oversight Danielle Brian, November 21, 2019, <https://www.pogo.org/document/2019/11/office-of-special-counsel-responds-to-pogo-hatch-act-complaint-against-mulvaney-and-sondland/>.

⁷⁷ The Guardian, “Trump asks Barr to investigate dubious claims against Joe and Hunter Biden,” Martin Pengelly and Tom McCarthy, October 20, 2020, <https://www.theguardian.com/us-news/2020/oct/20/trump-barr-special-prosecutor-joe-biden-hunter-biden>.

⁷⁸ Washington Post, “Why Chad Wolf’s awareness of the Republican convention naturalization event matters,” Philip Bump, August 31, 2020, <https://www.washingtonpost.com/politics/2020/08/31/why-chad-wolfs-awareness-republican-convention-naturalization-event-matters/>.

⁷⁹ Washington Post, “Trump taps U.S. Marine band for White House event and raises questions about employing the military for political purposes,” Paul Sonne, October 11, 2020, https://www.washingtonpost.com/national-security/marine-band-trump-politics/2020/10/11/cdee31ee-0bf3-11eb-bfcf-b1893e2c51b4_story.html.

against or “hired or fired for political reasons,” further attempting to politicize the U.S. civil service.⁸⁰

IV. Conclusion

President Trump is the most corrupt president in the nation’s history, and this corruption and lawbreaking extend to many of his high-ranking appointees and aides. The Trump administration has been described as “an ethical quagmire, full of officials who act as if their job is to advance the president’s personal and political interests at taxpayer expense” by the Executive Director of CREW, Noah Bookbinder.⁸¹ According to Bookbinder, “The Hatch Act isn’t some nebulous, technical code buried deep in some federal manual, it’s the law meant to keep officials from using taxpayer dollars and the authorities of the federal government to keep themselves in power, as totalitarian regimes do.”⁸²

The Hatch Act provides critical protections for the public, ensuring that taxpayer resources are spent on official government business rather than partisan politics. But President Trump has spent the last four years “flagrantly betraying the values of fairness and good government that animate [Hatch Act] rules in the first place.”⁸³ At least 36 Trump officials have violated or are presently under investigation for violating the Hatch Act more than 150 times. His Secretary of State and multiple cabinet members, his Chief of Staff, his family members, his Senior Counselor, and numerous other top officials have all been accused of or found to have violated the Hatch Act – and there have been almost no consequences for these violations. The Hatch Act is a prime example of how President Trump and those who work for him refuse to follow the law.

No one is above the law. The American people deserve a president and administration that respect the law, not senior officials who openly flout or mock the anti-corruption rules that protect our democracy. The President of the United States must enforce the Hatch Act and establish a culture of compliance with all anti-corruption laws and rules to prevent executive branch officials from wasting taxpayer dollars and abusing the power of their federal government positions for partisan purposes.

⁸⁰ The American Federation of Government Employees, “Trump’s New Executive Order to Strip Hundreds of Thousands of Feds of Due Process Rights, Open Door to Cronyism,” October 26, 2020, <https://www.afge.org/article/trumps-new-executive-order-to-strip-hundreds-of-thousands-of-feds-of-due-process-rights-open-door-to-cronyism/>.

⁸¹ Citizens for Responsibility and Ethics in Washington, “Lynne Patton reprimanded for multiple Hatch Act violations,” press release, September 18, 2019, <https://www.citizensforethics.org/news/press-releases/lynne-patton-multiple-hatch-act-violations/>.

⁸² Citizens for Responsibility and Ethics in Washington, “CREW Complaint: Chad Wolf Violated Hatch Act During RNC,” press release, August 27, 2020, <https://www.citizensforethics.org/news/press-releases/chad-wolf-hatch-act-complaint/>.

⁸³ Washington Post, “Trump is going out of his way to blow off the Hatch Act this week,” Susan Hennessey and Scott R. Anderson, August 25, 2020, <https://www.washingtonpost.com/outlook/2020/08/25/trump-convention-hatch-act/>.

TABLE I: Confirmed Hatch Act Violations by High-Ranking Trump Administration Officials

Official	Position	Hatch Act Violations			Action Taken by the Office of Special Counsel
		Number	Date(s)	Type	
Kellyanne Conway ⁱ	Counselor to the President*	35	Multiple dates between 2017 and 2019	Social Media, Speech	Recommended her removal to POTUS on May 30, 2019
Jessica Ditto ⁱⁱ	White House Deputy Communications Director*	1	June 4, 2018	Social Media	Issued a warning letter
Alyssa Farah ⁱⁱⁱ	Press Secretary for the Vice President*	2	April 26, 2018; May 4, 2018	Social Media	Issued a warning letter
Helen Aguirre Ferré ^{iv}	Special Assistant to the President and Director of Media Affairs*	1	July 27, 2018	Social Media	Issued a warning letter
Stephanie Grisham ^v	Deputy Assistant to the President and Communications Director for the Office of the First Lady*	1	July 11, 2018	Social Media	Issued a warning letter
Nikki Haley ^{vi}	Ambassador to the United Nations*	1	June 19, 2017	Social Media	Issued a warning letter
Michael O'Reilly ^{vii}	Federal Communications Commission Commissioner	1	February 23, 2018	Speech	Issued a warning letter
Lynne Patton ^{viii}	Regional Administrator for the U.S. Department of Housing and Urban Development	5	December 22, 2017; February 7, 2018; April 19, 2018; April 25, 2018; March 30, 2019	Social Media, Partisan Advertisement	Issued a warning letter
Sonny Perdue ^{ix}	Secretary of U.S. Department of Agriculture	1	August 24, 2020	Speech	Issued a “cure letter” necessitating he reimburse the U.S. Treasury for costs associated with his political activity
Dan Scavino ^x	White House Social Media Director	1	April 1, 2017	Social Media	Issued a warning letter, received counsel
Raj Shah ^{xi}	White House Principal Deputy Press Secretary*	1	June 4, 2018	Social Media	Issued a warning letter
Madeline Westerhout ^{xii}	Executive Assistant to the President*	2	March 9, 2018; April 26, 2018	Social Media	Issued a warning letter
Jacob Wood ^{xiii}	Deputy Communications Director for the Office of Management and Budget*	1	April 8, 2018	Social Media	Issued a warning letter
Ryan Zinke ^{xiv}	Secretary of U.S. Department of Interior*	1	June 26, 2018	Social Media	Issued a warning letter

* These individuals are no longer serving in this official role but were at the time they violated the Hatch Act

TABLE II: High-Ranking Trump Officials’ Alleged Hatch Act Violations Reported to the Office of Special Counsel

Official	Position	Complaint Filed By	Date of Filed Complaint	Hatch Act Violation Reported to OSC for Investigation		
				Number	Date(s)	Type
William Barr ^{xv}	U.S. Attorney General	University of Minnesota Law Professor Richard W. Painter; CREW	June 15, 2020; October 15, 2020	2	June 1, 2020; Approximately September 11, 2020	Speech
Ben Carson ^{xvi}	Secretary of Housing and Urban Development	U.S. Senate Committee on Banking, Housing, and Urban Affairs; CREW	September 5, 2018; September 1, 2020; September 3, 2020	3	Approximately August 2018; August 16, 2020	Abuse of Government Resources for Partisan Activity, Speech, Distribution of Speech
Todd Chapman ^{xvii}	U.S. Ambassador to Brazil	CREW	August 6, 2020	1	Approximately July 31, 2020	Speech
Kellyanne Conway ^{xviii}	Former Counselor to the President	CREW	July 1, 2020	2	May 20, 2020; June 17, 2020	Speech
Louis DeJoy ^{xix}	U.S. Postmaster General	POGO	August 20, 2020	1	Approximately August 5, 2020	Abuse of Official Authority
Betsy DeVos ^{xx}	U.S. Secretary of Education	Checks and Balances Project	September 14, 2020	3	September 1, 2020	Speech, Distribution of Speech
Alyssa Farah ^{xxi}	White House Communications Director	CREW	October 22, 2020	4	September 29, 2020; October 9, 2020; October 14, 2020	Social Media, Speech
David Friedman ^{xxii}	U.S. Ambassador to Israel	CREW	October 22, 2020	1	October 4, 2020	Speech

Larry Kudlow ^{xxiii}	White House National Economic Council Director	CREW	September 3, 2020	1	August 20, 2020	Speech
Jared Kushner ^{xxiv}	Senior Advisor to the President of the U.S.	CREW	February 4, 2020; April 9, 2020; September 3, 2020	2	February 1, 2020; August 23, 2020	Speech
Kayleigh McEnany ^{xxv}	White House Press Secretary	CREW	July 1, 2020; September 3, 2020; September 10, 2020	3	June 10, 2020; August 20, 2020; September 3, 2020	Speech
Mark Meadows ^{xxvi}	Chief of Staff to the President of the U.S.	CREW	July 15, 2020; September 3, 2020	4	July 6, 2020; August 26, 2020	Speech
Stephen Miller ^{xxvii}	Senior Policy Advisor to the President	CREW	July 31, 2020	1	July 31, 2020	Speech
Mark Morgan ^{xxviii}	Acting Commissioner of U.S. Customs and Border Protection	CREW	August 7, 2020	2	August 6, 2020; August 7, 2020	Social Media, Speech
Peter Navarro ^{xxix}	Assistant to the President, Director of Trade and Manufacturing Policy	CREW	July 1, 2020; September 3, 2020; September 10, 2020; October 5, 2020; October 20, 2020	27	April 22, 2020 through September 30, 2020	Social Media, Speech
Ambassador Robert C. O'Brien ^{xxx}	White House National Security Advisor	CREW	July 1, 2020; October 22, 2020	2	June 25, 2020; September 23, 2020	Speech
Lynne Patton ^{xxxi}	U.S. Department of Housing and Urban Development Regional Administrator	CREW	September 3, 2020	1	August 27, 2020	Abuse of Official Authority
Rick Perry ^{xxxii}	Former Department of Energy Secretary	CREW	September 5, 2018	1	Approximately August 2018	Abuse of Government Resources for Partisan Activity

Mike Pompeo ^{xxxiii}	U.S. Secretary of State	Law Professors Claire O. Finkelstein and Richard W. Painter; New York City Bar	August 26, 2020; September 3, 2020	1	August 25, 2020	Speech
John Ratcliffe ^{xxxiv}	White House Director of National Intelligence	CREW	October 22, 2020	1	October 19, 2020	Speech
Marc Short ^{xxxv}	Chief of Staff to the Vice President of the U.S.	CREW	May 7, 2020; July 1, 2020; September 3, 2020; October 22, 2020	6	February 4, 2020; June 22, 2020; August 27, 2020; September 15, 2020; October 8, 2020	Speech
Ivanka Trump ^{xxxvi}	Assistant to the President, White House Senior Advisor	CREW	September 5, 2018; June 20, 2019; October 13, 2020; October 20, 2020	23	Approximately August 2018; April 1, 2019; June 16, 2019; June 18, 2019; Multiple dates in October 2020	Abuse of Government Resources for Partisan Activity, Social Media
Andrew Wheeler ^{xxxvii}	Former Acting Environmental Protection Agency Administrator	CREW	September 5, 2018	1	Approximately August 2018	Abuse of Government Resources for Partisan Activity
Robert Wilkie ^{xxxviii}	Secretary of the U.S. Department of Veterans Affairs	Senator Jon Tester and Congressman Mark Takano	October 13, 2020	4	August through September 2020	Speech, Social Media, Election-Related Travel
Chad Wolf ^{xxxix}	Acting Secretary of Homeland Security	U.S. House Committee on Homeland Security; CREW	August 26, 2020; August 27, 2020	1	August 25, 2020	Abuse of Official Authority

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- ⁱ U.S. Office of Special Counsel, Report of Prohibited Activity Under the Hatch Act OSC File Nos. HA-19-0631 & HA-19-3395 (Kellyanne Conway), May 30, 2019, pp. 1-17, [https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Kellyanne%20Conway%20\(HA-19-0631%20&%20HA-19-3395\).pdf](https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity,%20Kellyanne%20Conway%20(HA-19-0631%20&%20HA-19-3395).pdf); U.S. Office of Special Counsel, “OSC Concludes Hatch Act Investigation of Kellyanne Conway, Finds Two Violations, and Refers Findings to President for Appropriate Disciplinary Action,” press release, March 6, 2018, <https://osc.gov/News/Pages/18-24-Kellyanne-Conway-Investigation.aspx>.
- ⁱⁱ Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, November 30, 2018, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2018/11/30151422/CREW-ltr-re-10-complaints.pdf>.
- ⁱⁱⁱ Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, November 30, 2018, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2018/11/30151422/CREW-ltr-re-10-complaints.pdf>.
- ^{iv} Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, November 30, 2018, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2018/11/30151422/CREW-ltr-re-10-complaints.pdf>.
- ^v Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, September 20, 2018, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2018/09/21140938/GrishamHatchLetter.pdf>.
- ^{vi} Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, September 28, 2017, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2017/10/03161101/DOC100217-10022017112049-1.pdf>.
- ^{vii} Letter from U.S. Office of Special Counsel to Executive Director of Project on Government Oversight Danielle Brian, May 1, 2018, http://www.pogoarchives.org/m/cong-oversight/HA-18-2573-OSC-Response-Letter-to-POGO-on-ORIelly-Hatch-Act-Violation_20180501.pdf.
- ^{viii} Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, September 18, 2019, <https://www.citizensforethics.org/wp-content/uploads/legacy/2019/09/Ltr-to-CREW-re-Patton.pdf>.
- ^{ix} Letter from U.S. Office of Special Counsel to Deputy Director of Citizens for Responsibility and Ethics in Washington Donald K. Sherman, October 8, 2020, <https://www.citizensforethics.org/wp-content/uploads/2020/10/HA-20-000394-Closure-Letter-to-CREW.pdf>.
- ^x Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, June 5, 2017, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2017/06/09153036/DOC060817-06082017170020.pdf>.
- ^{xi} Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, November 30, 2018, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2018/11/30151422/CREW-ltr-re-10-complaints.pdf>.
- ^{xii} Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, November 30, 2018, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2018/11/30151422/CREW-ltr-re-10-complaints.pdf>.
- ^{xiii} Letter from U.S. Office of Special Counsel to Executive Director of Citizens for Responsibility and Ethics in Washington Noah Bookbinder, November 30, 2018, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2018/11/30151422/CREW-ltr-re-10-complaints.pdf>.
- ^{xiv} Letter from U.S. Office of Special Counsel to Executive Director of Campaign for Accountability Daniel Stevens, December 20, 2018, available at <https://www.washingtonpost.com/context/u-s-office-of-special-counsel-letter-to-campaign-for-accountability-about-ryan-zinke-s-socks/a9b52abb-50e5-4551-a408-efa9cefdde56/>.
- ^{xv} Letter from Richard W. Painter to Special Counsel Henry Kerner at the U.S. Office of Special Counsel and Director of the U.S. Office of Government Ethics Emory A. Rounds III, June 15, 2020, <https://www.law.upenn.edu/live/files/10561-painter-complaint-hatch-act>; Letter from Citizens for Responsibility and Ethics in Washington to the Special Counsel Henry Kerner at the U.S. Office of Special Counsel, October 15, 2020, <https://www.citizensforethics.org/wp-content/uploads/2020/10/OSC-William-Barr-10-15-2020-FINAL.pdf>.
- ^{xvi} Citizens for Responsibility and Ethics in Washington, “CREW Requests review of potential Hatch Act violations by Trump Administration officials,” press release, September 5, 2018, <https://www.citizensforethics.org/news/press->

[releases/crew-requests-review-of-potential-hatch-act-violations-by-trump-administration-officials/](#); Letter from United States Senate Committee on Banking, Housing, and Urban Affairs, September 1, 2020, https://www.banking.senate.gov/imo/media/doc/Final_Letter%20to%20OSC%20re.Hatch%20Act%208.31.204.pdf; Citizens for Responsibility and Ethics in Washington, “At least 15 more Hatch Act violations by Trump officials during the conventions,” Donald K. Sherman and Meredith Lerner, September 3, 2020, https://www.citizensforethics.org/reports-investigations/crew-investigations/at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions/?utm_source=rss&utm_medium=rss&utm_campaign=at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions.

^{xvii} Letter from Citizens for Responsibility and Ethics in Washington to Special Counsel Henry Kerner at the Office of Special Counsel, August 6, 2020, <https://www.citizensforethics.org/wp-content/uploads/legacy/2020/08/OSC-Todd-Chapman-08-6-2020-FINAL.pdf>.

^{xviii} Citizens for Responsibility and Ethics in Washington, “Congress must stop White House officials from illegally trying to influence the election,” Donald K. Sherman, July 1, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/congress-must-stop-white-house-officials-hatch-act-violations/>.

^{xix} Letter from the Executive Director of The Project on Government Oversight Danielle Brian to Special Counsel Henry Kerner at the Office of Special Counsel, August 20, 2020, <https://www.pogo.org/letter/2020/08/pogo-files-hatch-act-complaint-against-postmaster-general-louis-dejoy/>.

^{xx} Checks and Balances Project, “Checks and Balances Project Files Complaint Against DeVos for Violating Federal Law,” September 14, 2020, <https://checksandbalancesproject.org/complaint-against-devos-for-violating-federal-law/>.

^{xxi} Citizens for Responsibility and Ethics in Washington, “Trump Administration officials continue violating the Hatch Act,” Matt Corley and Meredith Lerner, October 22, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-administration-officials-continue-violating-the-hatch-act/>.

^{xxii} Citizens for Responsibility and Ethics in Washington, “Trump Administration officials continue violating the Hatch Act,” Matt Corley and Meredith Lerner, October 22, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-administration-officials-continue-violating-the-hatch-act/>.

^{xxiii} Citizens for Responsibility and Ethics in Washington, “At least 15 more Hatch Act violations by Trump officials during the conventions,” Donald K. Sherman and Meredith Lerner, September 3, 2020, https://www.citizensforethics.org/reports-investigations/crew-investigations/at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions/?utm_source=rss&utm_medium=rss&utm_campaign=at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions.

^{xxiv} Letter from Citizens for Responsibility and Ethics in Washington to Special Counsel Henry Kerner at the Office of Special Counsel, February 4, 2020, <https://www.citizensforethics.org/wp-content/uploads/legacy/2020/02/OSC-Jared-Kushner-Hatch-Act-Complaint-04-February-2020.pdf>; Letter from Citizens for Responsibility and Ethics in Washington to Special Counsel Henry Kerner at the Office of Special Counsel, April 9, 2020, <https://www.citizensforethics.org/wp-content/uploads/legacy/2020/04/Kushner-Request-for-Reconsideration-CREW-9-April-2020.pdf>; Citizens for Responsibility and Ethics in Washington, “At least 15 more Hatch Act violations by Trump officials during the conventions,” Donald K. Sherman and Meredith Lerner, September 3, 2020, https://www.citizensforethics.org/reports-investigations/crew-investigations/at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions/?utm_source=rss&utm_medium=rss&utm_campaign=at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions.

^{xxv} Citizens for Responsibility and Ethics in Washington, “Congress must stop White House Officials from illegally trying to influence the election,” Donald K. Sherman, July 1, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/congress-must-stop-white-house-officials-hatch-act-violations/>; Citizens for Responsibility and Ethics in Washington, “At least 15 more Hatch Act violations by Trump officials during the conventions,” Donald K. Sherman and Meredith Lerner, September 3, 2020, https://www.citizensforethics.org/reports-investigations/crew-investigations/at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions/?utm_source=rss&utm_medium=rss&utm_campaign=at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions; Citizens for Responsibility and Ethics in Washington, “Trump administration officials committed four more Hatch Act violations last week,” September 10, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-administration-officials-committed-four-more-hatch-act-violations-last-week/>.

^{xxvi} Letter from Citizens for Responsibility and Ethics in Washington to the U.S. Office of Special Counsel, July 15, 2020, <https://www.citizensforethics.org/wp-content/uploads/legacy/2020/07/2020-7-15-Mark-Meadows1.pdf>; Citizens for Responsibility and Ethics in Washington, “At least 15 more Hatch Act violations by Trump officials during the conventions,” Donald K. Sherman and Meredith Lerner, September 3, 2020,

https://www.citizensforethics.org/reports-investigations/crew-investigations/at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions/?utm_source=rss&utm_medium=rss&utm_campaign=at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions.

^{xxvii} Letter from Citizens for Responsibility and Ethics in Washington to Special Counsel Henry Kerner at the Office of Special Counsel, July 31, 2020, <https://www.citizensforethics.org/wp-content/uploads/legacy/2020/07/CREW-to-OSC-Stephen-Miller-07-31-2020-FINAL.pdf>.

^{xxviii} Letter from Citizens for Responsibility and Ethics in Washington to Special Counsel Henry Kerner at the Office of Special Counsel, August 7, 2020, <https://www.citizensforethics.org/wp-content/uploads/legacy/2020/08/Morgan-Hatch-Act-complaint.pdf>.

^{xxix} Letter from Citizens for Responsibility and Ethics in Washington to the U.S. Office of Special Counsel and Peter Navarro, October 20, 2020, <https://www.citizensforethics.org/wp-content/uploads/2020/10/Navarro-Hatch-Act-10-20-2020-FINAL.pdf>; Letter from Citizens for Responsibility and Ethics in Washington to the U.S. Office of Special Counsel and Peter Navarro, October 5, 2020, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2020/10/05162431/Peter-Navarro-Hatch-Act-10-5-2020-FINAL.pdf>; Citizens for Responsibility and Ethics in Washington, “Trump administration officials committed four more Hatch Act violations last week,” September 10, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-administration-officials-committed-four-more-hatch-act-violations-last-week/>; Citizens for Responsibility and Ethics in Washington, “At least 15 more Hatch Act violations by Trump officials during the conventions,” Donald K. Sherman and Meredith Lerner, September 3, 2020, https://www.citizensforethics.org/reports-investigations/crew-investigations/at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions/?utm_source=rss&utm_medium=rss&utm_campaign=at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions; Citizens for Responsibility and Ethics in Washington, “Congress must stop White House officials from illegally trying to influence the election,” Donald K. Sherman, July 1, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/congress-must-stop-white-house-officials-hatch-act-violations/>.

^{xxx} Citizens for Responsibility and Ethics in Washington, “Congress must stop White House officials from illegally trying to influence the election,” Donald K. Sherman, July 1, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/congress-must-stop-white-house-officials-hatch-act-violations/>; Citizens for Responsibility and Ethics in Washington, “Trump Administration officials continue violating the Hatch Act,” Matt Corley and Meredith Lerner, October 22, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-administration-officials-continue-violating-the-hatch-act/>.

^{xxxi} Citizens for Responsibility and Ethics in Washington, “At least 15 more Hatch Act violations by Trump officials during the conventions,” Donald K. Sherman and Meredith Lerner, September 3, 2020, https://www.citizensforethics.org/reports-investigations/crew-investigations/at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions/?utm_source=rss&utm_medium=rss&utm_campaign=at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions.

^{xxxii} Citizens for Responsibility and Ethics in Washington, “CREW Requests review of potential Hatch Act violations by Trump Administration officials,” press release, September 5, 2018, <https://www.citizensforethics.org/news/press-releases/crew-requests-review-of-potential-hatch-act-violations-by-trump-administration-officials/>.

^{xxxiii} Letter from Professor Claire O. Finkelstein at the University of Pennsylvania Carey Law School and Professor Richard W. Painter at the University of Minnesota Law School to the Office of Special Counsel and Inspector General at the United States Department of State, August 26, 2020, <https://www.law.upenn.edu/live/files/10769-pompeo-hatch-act>; Letter from the New York City Bar to Acting Inspector General of the United States Department of State Diana Shaw, September 3, 2020, <https://s3.amazonaws.com/documents.nycbar.org/files/2020775-PompeoHatchAct.pdf>.

^{xxxiiii} Congressional Research Service, “The Hatch Act: A Primer,” April 20, 2020, pp.1-3, <https://fas.org/sgp/crs/misc/IF11512.pdf>.

^{xxxiv} Citizens for Responsibility and Ethics in Washington, “Trump Administration officials continue violating the Hatch Act,” Matt Corley and Meredith Lerner, October 22, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-administration-officials-continue-violating-the-hatch-act/>.

^{xxxv} Letter from Citizens for Responsibility and Ethics in Washington to Special Counsel Henry Kerner at the Office of Special Counsel, May 7, 2020, <https://www.citizensforethics.org/wp-content/uploads/legacy/2020/05/2020-5-7-Marc-Short.pdf>; Citizens for Responsibility and Ethics in Washington, “Congress must stop White House Officials from illegally trying to influence the election,” Donald K. Sherman, July 1, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/congress-must-stop-white-house-officials-hatch-act-violations/>; Citizens for Responsibility and Ethics in Washington, “At least 15 more Hatch Act

violations by Trump officials during the conventions,” Donald K. Sherman and Meredith Lerner, September 3, 2020, https://www.citizensforethics.org/reports-investigations/crew-investigations/at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions/?utm_source=rss&utm_medium=rss&utm_campaign=at-least-15-more-hatch-act-violations-by-trump-officials-during-the-conventions; Citizens for Responsibility and Ethics in Washington, “Trump Administration officials continue violating the Hatch Act,” Matt Corley and Meredith Lerner, October 22, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-administration-officials-continue-violating-the-hatch-act/>.

^{xxxvi} Citizens for Responsibility and Ethics in Washington, “CREW requests review of potential Hatch Act violations by Trump Administration officials,” press release, September 5, 2018, <https://www.citizensforethics.org/news/press-releases/crew-requests-review-of-potential-hatch-act-violations-by-trump-administration-officials/>; Letter from Citizens for Responsibility and Ethics in Washington to Special Counsel Henry Kerner at the Office of Special Counsel, June 20, 2019, <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2019/06/19211625/OSC-Ivanka-Trump-6-20-19-FINAL.pdf>; Citizens for Responsibility and Ethics in Washington, “Ivanka Trump violated the Hatch Act eight times in just over 48 hours,” Linnaea Honl-Stuenkel, October 13, 2020, <https://www.citizensforethics.org/reports-investigations/crew-investigations/ivanka-trump-violated-the-hatch-act-eight-times-in-just-over-48-hours/>.

^{xxxvii} Citizens for Responsibility and Ethics in Washington, “CREW Requests review of potential Hatch Act violations by Trump Administration officials,” press release, September 5, 2018, <https://www.citizensforethics.org/news/press-releases/crew-requests-review-of-potential-hatch-act-violations-by-trump-administration-officials/>.

^{xxxviii} Stars and Stripes, “Democrats accuse VA secretary of misusing resources to campaign for Trump, other Republicans,” Nikki Wentling, October 13, 2020, <https://www.stripes.com/news/veterans/democrats-accuse-va-secretary-of-misusing-resources-to-campaign-for-trump-other-republicans-1.648435>.

^{xxxix} Letter from Chairman Bennie Thompson of the U.S. House Committee on Homeland Security to Special Counsel Henry Kerner at the Office of Special Counsel, August 26, 2020, <https://homeland.house.gov/imo/media/doc/Hatch%20Act%20OSC%20Letter.pdf>; Letter from Citizens for Responsibility and Ethics in Washington to Special Counsel Henry Kerner at the Office of Special Counsel, August 27, 2020, <https://www.citizensforethics.org/wp-content/uploads/legacy/2020/08/2020-08-27-Chad-Wolf.pdf>.