



U.S. OFFICE OF SPECIAL COUNSEL
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June 7, 2023

Mr. Michael Chamberlain
Director
Protect the Public's Trust

VIA ELECTRONIC MAIL: foia@protectpublictrust.org

RE: OSC File No. HA-22-000216

Dear Mr. Chamberlain:

This letter is in response to a complaint you filed with the U.S. Office of Special Counsel (OSC) alleging that White House Press Secretary Karine Jean-Pierre violated the Hatch Act when, during an official press briefing, she referred to “mega MAGA Republican officials who don’t believe in the rule of law” and made “other derogatory statements” about the Republican Party. OSC has investigated your allegation and concluded that Ms. Jean-Pierre violated the Hatch Act. However, as described below, we have decided not to pursue disciplinary action and have instead issued Ms. Jean-Pierre a warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including employees within the Executive Office of the President.¹ As relevant here, the Hatch Act prohibits a covered employee from using her official authority or influence for the purpose of interfering with or affecting the result of an election.² Pursuant to this prohibition, an employee may not use her official title or position while engaging in political activity.³ “Political activity” is activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.⁴

Your complaint alleged that Ms. Jean-Pierre used the phrase “mega MAGA Republican[s]” as part of “an inappropriate attempt to influence the vote.” In investigating the allegation, OSC discovered that Ms. Jean-Pierre used the phrase “MAGA Republicans” repeatedly during official press briefings prior to the November 2022 midterm election. Although Ms. Jean-Pierre never expressly instructed viewers to vote for or against Republican

¹ See 5 U.S.C. § 7322(1); see also 5 U.S.C. § 7324(b) (excluding certain EOP employees from some, but not all, of the Hatch Act’s restrictions).

² See 5 U.S.C. § 7323(a)(1).

³ See 5 C.F.R. § 734.302(b)(1).

⁴ 5 C.F.R. § 734.101.

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candidates for elected office, OSC concluded that the timing, frequency, and content of Ms. Jean-Pierre's references to "MAGA Republicans" established that she made those references to generate opposition to Republican candidates. Accordingly, making the references constituted political activity.

Because Ms. Jean-Pierre made the statements while acting in her official capacity, she violated the Hatch Act prohibition against using her official authority or influence for the purpose of interfering with or affecting the result of an election. Although we have concluded that Ms. Jean-Pierre violated the Hatch Act, we have decided to close this matter without further action. We note, in particular, that the White House Counsel's Office did not at the time believe that Ms. Jean-Pierre's remarks were prohibited by the Hatch Act, and it is unclear whether OSC's contrary analysis regarding the use of "MAGA Republicans" was ever conveyed to Ms. Jean-Pierre. We have advised Ms. Jean-Pierre that should she again engage in prohibited political activity, OSC would consider it a knowing and willful violation of the law that could result in OSC pursuing disciplinary action.

Please contact OSC attorney Eric Johnson at (202) 804-7044 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Galindo-Marrone". The signature is written in a cursive, flowing style.

Ana Galindo-Marrone
Chief, Hatch Act Unit