



PROTECT the PUBLIC'S TRUST

VIA ELECTRONICAL MAIL

June 15, 2023

Henry J. Kerner
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The Honorable Stuart F. Delery
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
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Re: Request for Investigation of Hatch Act Violations by White House Press Secretary Karine Jean-Pierre and Deputy Press Secretary Andrew Bates

Dear Mr. Kerner and Mr. Delery:

Last week, the Office of Special Counsel (OSC) issued a letter determining that White House Press Secretary Karine Jean-Pierre (Ms. Jean-Pierre) violated the Hatch Act.¹ In the leadup to the 2022 midterm elections “Ms. Jean-Pierre used the phrase ‘MAGA Republicans’ repeatedly during official press briefings.” The letter explains, “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, “Ms. Jean-Pierre violated the Hatch Act,” which prohibits using official authority or influence for the purpose of interfering with or affecting the result of an election.

On the same day, your office issued guidance to agency officials warning that the use of “MAGA” was prohibited since it is a current slogan for an active presidential campaign.² Specifically, “MAGA remains the campaign slogan of a current candidate for partisan political office, and therefore, its use constitutes political activity.”

Ms. Jean Pierre appears to have flagrantly disregarded this clear guidance. Late yesterday, Ms. Jean-Pierre issued a statement that *repeatedly* uses the term “MAGA” in an effort to disparage budget proposals advanced by Congressional Republicans.³ For example, Ms. Jean-Pierre’s statement refers to “[t]he hardcore MAGA budget just released by the Republican Study

¹ Letter from Office of Special Counsel to Mr. Michael Chamberlain, Ana Galindo-Marrone, Re: OSC File No. HA-22-000216 (June 6, 2023).

² “Hatch Act Advisory Opinion Regarding the Use of Presidential Campaign Slogans,” U.S. Office of Special Counsel (June 7, 2023).

³ Statement from Press Secretary Karine Jean-Pierre on Republican Study Committee Budget, White House Briefing Room, June 14, 2023.



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Committee” and refers to the Republican Study Committee budget as an “extreme MAGA proposal.”

Your guidance was clear and unambiguous: “federal employees should not use ‘MAGA’ or ‘Make America Great Again’ while on duty.” Your letter 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.” That is precisely what Ms. Jean-Pierre has done.

Worse, it appears that she is not the only one in the White House Press Office to disregard your directive. According to Axios.com, on June 14, 2023, “Deputy press secretary Andrew Bates wrote in a memo that Republicans’ ‘main economic agenda item’ is ‘MAGA tax welfare for the richest Americans and giant corporations, at the expense of continuing to grow our economy by investing in America.’”⁴

Mr. Bates is a subordinate of Ms. Jean-Pierre; they work in the same office. It strains credulity passed the breaking point that Mr. Bates was not aware of your guidance and your determination regarding Ms. Jean-Pierre’s prior statements. It further is highly unlikely that the phrase “MAGA” appeared in two separate White House Press Office documents on the same day by accident. This appears to be a deliberate decision to flout your guidance and prior determination regarding Ms. Jean-Pierre’s conduct.

Ms. Jean Pierre’s and Mr. Bates’ statements appear to be a deliberate thumb in the eye of the independent authority of the Office of Special Counsel to interpret and apply the Hatch Act.

Protect the Public’s Trust calls for a formal investigation into Ms. Jean-Pierre’s and Mr. Bates’ apparent willful violation of the Hatch Act and whether additional officials in the White House Counsel’s Office assisted or participated in the attempt to neuter the Hatch Act and the Office of Special Counsel’s authority to enforce it.

There should not be a two-tiered system of government ethics that subjects prominent White House officials to a lower standard of scrutiny than average public servants. Our legal system is currently being placed under enough stress due to concerns over the politicization and weaponization of law enforcement. This should not be permitted to be another instance in which arbitrary enforcement is allowed to exist.

Sincerely,

Michael Chamberlain
Director
Protect the Public’s Trust

⁴ “Scoop: White House elbows back on ‘MAGA’ Hatch Act violation,” Alex Thompson, Axios.com (June 14, 2023).