



September 25, 2018

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel  
1730 M Street NW, Suite 218  
Washington, D.C. 20036-4505

Dear Ms. Galindo-Marrone:

The Campaign Legal Center (“CLC”) respectfully requests that you investigate Donald M. Benton, the Director of the U.S. Selective Service System, for an apparent violation of the Hatch Act and seek disciplinary action as appropriate.

On Friday, September 21, Mr. Benton addressed the Hawaii Republican Party’s Constitution Day Dinner, a “party fundraiser”<sup>1</sup> and an event “to launch their party’s general election campaign,”<sup>2</sup> where he was introduced with his name and official title and was described as a spokesperson for the administration, according to news reports and images from the event.<sup>3</sup> Seats at the event cost \$200, and VIP tables cost between \$5,000 and \$10,000.<sup>4</sup> According to the party’s official news release and social media accounts, Mr. Benton was a featured speaker at the dinner, and his name and official title – “Director, Selective Service” – were projected on a large screen behind him as he spoke.<sup>5</sup> The party’s news release also stated that Mr. Benton “represented the administration” and “took the stage to thank the Aloha State GOP for their support of the president.”<sup>6</sup> Other speakers at

<sup>1</sup> Press Release, Hawaii Republican Party, GOP Ticket Launches Friday (Sept. 17, 2018) <http://gophawaii.net/?p=1265> (describing the event “as a party fundraiser”).

<sup>2</sup> Sophie Cocke, *Running mates at odds as Hawaii GOP kicks off campaign*, HONOLULU STAR-ADVERTISER (Sept. 23, 2018), <https://bit.ly/2OLqio0>.

<sup>3</sup> *Id.*; see also News Release, *Hawaii GOP Ticket United, Looks Toward November*, HAWAII FREE PRESS (Sept. 22, 2018), <https://bit.ly/2px9Mgf>.

<sup>4</sup> Hawaii Republican Party Constitution Day Dinner Invitation (see enclosure).

<sup>5</sup> News Release, *see supra* note 3 (including a photograph of Benton speaking with his official title projected behind him); see also Hawaii GOP (@gophawaii), Twitter (Sept. 22, 2018, 3:30 PM), <https://twitter.com/gophawaii/status/1043628663919513600> (describing the dinner, stating that “The Hon. Don Benton also repped @realdonaldtrump,” and including a similar photograph of Benton speaking with his official title projected behind him).

<sup>6</sup> News Release, *supra* note 3.

the dinner included the Hawaii Republican Party's candidates for governor and lieutenant governor and the state representative on the Republican National Committee.<sup>7</sup>

As you know, the Hatch Act prohibits an executive branch employee like Mr. Benton<sup>8</sup> from "us[ing] his or her official authority or influence for the purpose of interfering with or affecting the result of an election," 5 U.S.C. § 7323(a)(1), and from engaging in political activity while on duty, *id.* § 7324. Hatch Act regulations make clear that this prohibition encompasses the use of one's "official title while participating in political activity." 5 C.F.R. § 734.302(b)(1). "Political activity" is defined as activity "directed towards the success or failure of a political party, candidate for partisan political office, or partisan political group." *See id.* § 734.101.

A "party fundraiser" for the Hawaii Republican Party where the party "launch[ed] their . . . general election campaign" is clearly "political activity" under the Hatch Act and its implementing regulations. Mr. Benton addressed this event while standing in front of a screen where his official title was prominently displayed, he was reportedly introduced with his official title, and his official title was referenced in Hawaii Republican Party news releases and social media posts describing the event.

Therefore, by using his official title while addressing this Hawaii Republican Party event, Mr. Benton violated the Hatch Act. CLC respectfully asks the Office of Special Counsel to investigate Mr. Benton's actions and seek disciplinary or corrective action as appropriate.

Sincerely,



Delaney Marsco  
Legal Counsel, Ethics

Enclosures

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<sup>7</sup> *Id.*

<sup>8</sup> 5 C.F.R. § 734.302(a); *see also* 5 U.S.C. §§ 7323(a)(1), 7324. The Selective Service System is an independent agency in the executive branch, and the Director of the Selective Service System is appointed by the President. *See* 50 U.S.C. § 3809(a)(1), (a)(3); *see also* 5 U.S.C. §§ 105, 7322(1)(A).

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## GOP TICKET LAUNCHES FRIDAY

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Aloha State Republicans will launch their 2018 ticket's general election campaign with addresses from the party's national leaders and two major speakers during a dinner Friday, September 21, in Honolulu.

The Constitution Day Dinner at the Hawai'i Convention Center will also serve as a party fundraiser.

"This dinner brings the party together around both the candidates on the Republican ticket and our message of a brighter future for all of Hawaii after over 60 years of failed, one-party rule," said state Republican Party chairman Shirlene Delacruz Santiago Ostrov. "The message in the Republican platform in this year's election is simple: more jobs, bigger pay checks and less taxes."

Besides special addresses by Republican National Committee chairman Ronna Romney McDaniel and Republican National Committee co-chairman Bob Paduchik, attendees at the dinner will hear from keynote speakers Stephen Moore and Charlie Kirk.



Moore, a frequent writer on the opinion pages of the country's leading newspapers, was a senior adviser to President Donald J. Trump's 2016 campaign. His most recent book is "Trumponomics: Inside the America First Plan to Revive our Economy."

Kirk, a nationally recognized young conservative activist, is a regular Trump surrogate on major TV channels. He is also the founder of Turning Points USA, which has a presence on college campuses across the country, including in Hawaii.

Tickets are still available and can be purchased at <https://is.gd/hawaiigopRSVP>.

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HAWAII NEWS

# Running mates at odds as Hawaii GOP kicks off campaign

By [Sophie Cocke](#)

Posted September 23, 2018

September 23, 2018

Updated September 23, 2018 6:51am



MARIE HOBRO / SPECIAL TO THE STAR-ADVERTISER

Hawaii GOP governor candidate Andria Tupola, left, and former Trump campaign adviser Stephen Moore talked during island Republicans Friday at the Hawai'i Convention Center in Honolulu.

Hawaii Republicans convened at the Hawai'i Convention Center on Friday night to launch their party's general election campaign and voice support for President Trump's policies toward immigration, the economy and foreign affairs.

The dinner, where seats went for \$200 and donors contributed as much as \$10,000 for VIP tables, drew about 200 people and included keynote speeches from prominent Trump associates Stephen Moore, a Heritage Foundation economist who served as a senior adviser to the president during his 2016



campaign, and Don Benton, who Trump appointed director of the Selective Service. Charlie Kirk, founder of Turning Point USA, which advocates for free markets and limited government, also spoke, receiving a standing ovation.

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"We wanted to just remind people that outside the borders of our state, the Republican brand is doing OK. It's hard to believe that if you are in the state, but the Republican brand nationally is doing OK," said Shirlene Ostrov, chairwoman of the Hawaii Republican Party. "So our goal was to remind people of that and to go and leave tonight unified that we do have a good message for Hawaii. We are not going to take over, but we can make significant changes incrementally and that is what we are trying to do."

The Republican Party continues to struggle in Hawaii where politics is dominated by Democrats. Republicans were unable to field candidates during this year's primary for 33 out of the 51 state House seats and eight of 13 state Senate races.

One of the Republican Party's strongest candidates this year is House Minority Leader Andria Tupola, who is running for governor against Democratic incumbent David Ige. However, her race, already difficult, will likely be that much harder given divisions with her running mate Marissa Kerns that were on public display during Friday night's dinner.

Kerns won the Republican nomination for lieutenant governor during the August primary. Tupola and Kerns will now be part of the same team when voters cast ballots in the November general election.

## **PARTY UNIFIES AROUND TRUMP**

Support for Donald Trump within the Republican Party was divided both locally and nationally during the presidential campaign, but since his election members of the party have rallied around his agenda.

During remarks, Benton praised Trump's commitment to his foreign policy promises, including pulling the United States out of the Paris Agreement to combat climate change and the Iran nuclear deal, as well as moving the U.S. embassy in Israel to Jerusalem and opening talks with North Korea.

"He's a man of action, he does what he says he is going to do," said Benton.

While Trump's presidency so far has been tumultuous, Benton said that was the idea.

We "needed a disruptor to change America," he said. "Ladies and gentlemen, that's what we got. So don't be too surprised when he disrupts things because that's what we are looking for."

Moore praised Trump's economic policies, including slashing corporate tax rates and regulations.

"If the economy is as strong two years from now as it is today, Donald Trump is going to win a 40-state re-election landslide," said Moore.

Tupola capped off the event in a speech that emphasized her support for Trump, limited government and the need to be united as a party.



“We need to do this together. We need to get in lockstep. We need to stop fighting against one another. We need to start working together,” said Tupola.

“We need to be unified... We need to be unified in our message to change what

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But that message of unity wasn't resonating with her running mate Friday night. Kerns stormed away from her VIP table to the back of the room several times during the night, cursing and complaining that Tupola's political views were too liberal. She accused the local party leadership of not giving her a name tag or a chance to speak and seating her at a table with the Young Republicans, rather than major donors. At one point, convention staff pleaded with her to calm down.

“I told (Tupola), you need to apologize because of your voting record,” Kerns told the Honolulu Star-Advertiser as Tupola delivered her speech.

Ostrov, the party chairwoman, said that Kerns was indeed given a name tag and had been seated at a table with one of the biggest donors, KC Realty, which gave \$11,000.

“I think it reflects the diversity of the party and the spectrum of diversity,” said Ostrov when asked about the tension. “I know that when we are going into the race they are going to run together.”

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Tuesday, September 25, 2018

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Saturday, September 22, 2018

## [Republican Unity: Kerns Storms Away Cursing](#)

By News Release @ 6:29 PM :: 1569 Views :: [Republican Party](#)

### [Running mates at odds as Hawaii GOP kicks off campaign](#)

SA: ... Tupola capped off the event in a speech that emphasized her support for Trump, limited government and the need to be united as a party.

"We need to do this together. We need to get in lockstep. We need to stop fighting against one another. We need to start working together," said Tupola. "We need to be unified ... We need to be unified in our message to change what we need for Hawaii. And we are that change."

But that message of unity wasn't resonating with her running mate Friday night. Kerns stormed away from her VIP table to the back of the room several times during the night, cursing and complaining that Tupola's political views were too liberal. She accused the local party leadership of not giving her a name tag or a chance to speak and seating her at a table with the Young Republicans, rather than major donors. At one point, convention staff pleaded with her to calm down.

"I told (Tupola), you [need to apologize](#) because of your voting record," Kerns told the Honolulu Star-Advertiser as Tupola delivered her speech....

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### **Hawaii GOP ticket united, looks toward November**

News Release from Hawaii Republican Party

HONOLULU (September 22, 2018) -- Hawaii Republicans launched their ticket's general election campaign Friday during a dinner also attended by gubernatorial running mates Andria Tupola and Marissa Kerns.



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PHOTO: Republican National Committee co-chairman Bob Paduchik addresses the Hawaii Republican Party's Constitution Day Dinner on Friday at the Hawaii Convention Center in Honolulu. (Courtesy photo)

Some 200 of the party faithful attended the Constitution Day Dinner at the Hawai'i Convention Center in Honolulu. The keynote speakers were Charlie Kirk, founder of the Turning Points USA advocacy organization, and Heritage Foundation economist and newspaper columnist Stephen Moore, who was a senior adviser to President Donald J. Trump during the 2016 speaker. Both Kirk and Moore are frequent Trump surrogates on national TV, including CNN and Fox News.

A surprise came when Don Benton, a Trump appointee as director of the Selective Service, took the stage to thank the Aloha State GOP for their support of the president.



PHOTO: Trump presidential appointee Don Benton, director of the Selective Service, represented the administration at the Hawaii Republican Party's Constitution Day Dinner on Friday at the Hawaii Convention Center in Honolulu. (Courtesy photo)

Republican National Committee chairman Ronna Romney McDaniel and Republican National Committee co-chairman Bob Paduchik separately addressed the dinner via recorded special messages.

"Republicans are united around our platform of more jobs, bigger pay checks and less taxes," said Hawaii Republican Party chairman Shirlene DeLaCruz Santiago Ostrov. "This election is a choice between over 60 years of failed policies and a better, brighter future for all of Hawaii — a future in which families no longer wave goodbye to their children and grandchildren."

Other speakers included Tupola and state Rep. Gene Ward, Hawaii's committeeman on the Republican National Committee.

Party unity was evident not only by the nominees who attended, but also by the presence of candidates who unsuccessfully ran for the Republican nomination in August's primary election, including John Carroll, Ray L'Heureux and Steve Lipscomb.

Also attending was Honolulu lawyer Samuel King Jr., whose grandfather, Samuel W. King, was governor of Hawaii from 1953–57 and a member of Congress from 1935–1943.

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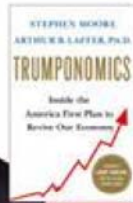
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### Stephen Moore

Senior Advisor to President Trump; the author of "Trumponomics: Inside the America First Plan to Revive Our Economy"; Distinguished Visiting Fellow at The Heritage Foundation; and is an economics analyst for CNN, Wall Street Journal, and The Washington Times

### Charlie Kirk

Founder and president of Turning Point USA; appeared on CNBC and FOX Business News; 2nd most influential conservative on social media; Forbes 30 under 30; youngest speaker at 2016 Republican National Convention; and proud Eagle Scout

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Mahalo for attending last night's Constitution Day Dinner, launching #Hawaii's #GOP ticket. Keynote speakers @stephenmoore and @charliekirk11 were awesome. @GOPChairwoman and @Paduch addressed dinner via video. The Hon. Don Benton also repped @realdonaldtrump. #hinews @votetupola



3:30 PM - 22 Sep 2018

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