



August 24, 2017

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

Dear Ms. Galindo-Marrone:

We watched with concern this week as an announcer at a partisan political rally for President Donald J. Trump introduced Department of Housing and Urban Development (HUD) Secretary Benjamin S. Carson by his name and official title.<sup>1</sup> The Campaign Legal Center believes that the U.S. Office of Special Counsel (OSC) should investigate this misuse of governmental authority in support of a partisan political candidate.

As you know, the Hatch Act, 5 U.S.C. § 7324, prohibits the use of a Senate-confirmed Presidential appointee's official government title at a partisan political campaign event. A HUD spokesperson has advised the Washington Post that Secretary Carson did not "hear" the announcer.<sup>2</sup> This explanation may not be sufficient to excuse the violation. If your inquiry confirms that Secretary Carson did not knowingly permit the use of his title at the rally, there still remains a question as to whether he took reasonable steps to ensure that his official title was not used. The HUD spokesperson admitted that HUD does not even know what instructions were given to the announcer.<sup>3</sup>

Even if you conclude that negligence on the part of the Secretary does not warrant disciplinary action, other corrective action should be taken to prevent a recurrence. Secretary Carson should be required to complete remedial Hatch Act training, institute a procedure for affirmatively notifying campaign officials that they must not use his official title, and document his provision of the notice.

A failure to address this misconduct by the President's reelection campaign could lead to abuses in the future. This incident follows OSC's finding that White House social media director, Daniel Scavino, Jr., violated the Hatch Act.<sup>4</sup> The President's decision to focus on reelection in the first few months of his term has triggered an unusual almost four-year election cycle, which will be rife with potential for violations of law if campaign officials remain unfamiliar with such basic prohibitions as the prohibition on misusing an official title. OSC should remind the campaign of the need to focus on applicable legal requirements.

Thank you in advance for considering this complaint.

Sincerely,

Walter M. Shaub, Jr.  
Senior Director, Ethics

<sup>1</sup> See <https://youtu.be/bfBNmzLIRE8?t=42m49s>.

<sup>2</sup> Bump, Philip, *Why Ben Carson's appearance in Phoenix was likely a violation of federal law*, THE WASHINGTON POST (Aug. 23, 2017), <https://goo.gl/OrvPNx>.

<sup>3</sup> *Id.*

<sup>4</sup> Letter from Ana Galindo-Marrone, U.S. Office of Special Counsel, to Adam J. Rappaport, Citizens for Responsibility and Ethics in Washington (Jun. 5, 2017), <https://goo.gl/DNJJeVt>.