

C A M P A I G N F O R

ACCOUNTABILITY

June 27, 2018

Via Email: [hatchact@osc.gov](mailto:hatchact@osc.gov)

Mary L. Kendall  
Deputy Inspector General, U.S. Department of Interior  
1849 C Street, NW  
Mail Stop 4428  
Washington, DC 20240

Tristan Leavitt  
Office of Special Counsel  
Re: Hatch Act/Political Activity Complaint  
1730 M St. NW, Suite 218  
Washington, DC, 20036-4505

**Re: Request for Investigation Into Possible Hatch Act Violation by U.S. Secretary of the Interior Ryan Zinke**

Dear Ms. Kendall and Mr. Leavitt:

Campaign for Accountability (“CfA”), a nonprofit watchdog group focused on public accountability, respectfully requests that you investigate whether Secretary Ryan Zinke violated the Hatch Act<sup>1</sup> by wearing a pair of socks bearing the likeness of President Trump, as well as President Trump’s “Make America Great Again” slogan, while participating in the Western Governors’ Association’s (“WGA”) annual meeting in South Dakota on June 26, 2018. Secretary Zinke posted a picture of himself wearing socks in question on the social media platform Twitter. Secretary Zinke later deleted the tweet and then tweeted out an apology.<sup>2</sup> A screen capture of the tweet in question, taken shortly before its deletion, is included below.

**Background**

The WGA’s 2018 annual meeting took place from June 25 through June 27 in Rapid City, South Dakota.<sup>3</sup> The event’s website advertises the attendance of seven states’ governors, as well as speeches by Secretary of Labor Alexander Acosta, Secretary of the Air Force Heather Wilson, and

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<sup>1</sup> 5 U.S.C. § 7323 et al.

<sup>2</sup> Secretary Ryan Zinke, Twitter, June 26, 2018, *available at* <https://twitter.com/SecretaryZinke/status/1011681563170525184>.

<sup>3</sup> <http://westgov.org/news/2018-annual-meeting-hosted-by-gov-daugaard-in-south-dakota-feature-seven-governors-keynotes-by-secre>.

Secretary Zinke along with Anschutz Corporation chairman Philip Anschutz.<sup>4</sup> The site specifically notes that on Thursday, June 26, Secretary Zinke’s speech was to take place at Mouth Rushmore National Memorial.<sup>5</sup> Based on the guest list and subject matter of the WGA’s meeting, as well as additional tweets regarding the meeting posted by Secretary Zinke’s Twitter account that include such captions as “Good to join the Western Governors Association this morning. Talking energy, conservation, dereg, and historic economic accomplishments under @POTUS Trump,”<sup>6</sup> it is clear that Secretary Zinke attended the meeting in his official capacity as Secretary of the Interior.

At 9:59 AM local time on June 26, Secretary Zinke used his official Twitter account to tweet the following image, along with the caption “Breaking in new socks on a hike with the governors today.”<sup>7</sup> The tweet included a location tag for “South Dakota, USA.”



Presumably the referenced hike coincided with Secretary Zinke’s speech at Mount Rushmore. The tweet can no longer be accessed; sometime during the early afternoon of June 26, the same

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Secretary Ryan Zinke, Twitter, June 26, 2018, available at <https://twitter.com/SecretaryZinke/status/1011634323215257601>.

<sup>7</sup> Campaign for Accountability, June 26, 2018, available at [https://twitter.com/Accountable\\_Org/status/1011677119049498625](https://twitter.com/Accountable_Org/status/1011677119049498625).

day it was posted, the tweet was deleted, apparently by Secretary Zinke or a member of his staff. Secretary Zinke posted a subsequent tweet at 12:44 pm local time apologizing for the earlier tweet. He wrote:

Earlier I tweeted a pic of my new socks not realizing it had what could be viewed as a political slogan. I've deleted it and apologize for the mistake. I remain excited about all the incredible policy work POTUS is doing.<sup>8</sup>

The new tweet included a picture of the socks with the presidential campaign slogan blacked out.<sup>9</sup>

### Violations

In the Office of Special Counsel's ("OSC") own words from a recent memorandum regarding the exact topic at hand, "The Hatch Act prohibits federal employees from engaging in political activity while on duty or in a federal room or building."<sup>10</sup> This memorandum is dated March 5, 2018, and bears the full title "Updated Guidance Regarding the Hatch Act and President Donald Trump Now That He Is Officially a Candidate for Reelection."<sup>11</sup> The memorandum explains that because President Trump appointed a campaign manager for the purpose of, in President Trump's own website's words, getting ready for the 2020 election cycle, the OSC now considers him a candidate.<sup>12</sup> As such, the memorandum explains in clear terms:

This prohibition [on political activity on the part of federal employees] is broad and encompasses more than displays or communications (including in-person and via email or social media) that expressly advocate for or against President Trump's reelection. For example, while on duty or in the workplace, employees may not: wear, display, or distribute items with the slogan "Make America Great Again" or any other materials from President Trump's 2016 or 2020 campaigns; use hashtags such as #MAGA or #ResistTrump in social media posts or other forums; or display non-official pictures of President Trump.<sup>13</sup>

Almost incredibly, Secretary Zinke's wearing of the socks in question, as well as his advertisement of such on social media, violates two of the four exact examples of prohibited conduct the OSC listed in its memorandum. To be clear, while the Secretary's tweet is potentially violative of the OSC's own published guidelines for public employee actions through social media and email,<sup>14</sup> just the simple act of wearing the socks (even if he did not advertise them on social media) constitutes a Hatch Act violation.

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<sup>8</sup> Ryan Zinke, Twitter, June 26, 2018, available at <https://twitter.com/SecretaryZinke/status/1011681563170525184>.

<sup>9</sup> *Id.*

<sup>10</sup> <https://osc.gov/Resources/Candidate%20Trump%20Hatch%20Act%20Guidance%203-5-2018.pdf>.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> See <https://osc.gov/Pages/Hatch-Act-Social-Media-and-Email-Guidance.aspx>.

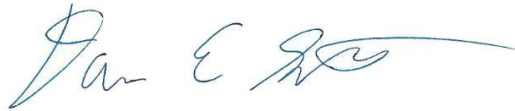
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### **Conclusion**

Americans have the right to expect top government officials to follow federal law, especially federal law that specifically applies to the ethical conduct of such officials. CfA requests that you promptly investigate this matter and determine whether Sec. Zinke violated the Hatch Act.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan E Stevens", with a long horizontal flourish extending to the right.

Daniel E. Stevens  
Executive Director