



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, DC 20036-4505
202-804-7000

December 20, 2018

Mr. Daniel Stevens
Executive Director
Campaign for Accountability
611 Pennsylvania Avenue, S.E. #337
Washington, DC 20003

VIA ELECTRONIC MAIL: dstevens@campaignforaccountability.org

Re: OSC File No. HA-18-4075

Dear Mr. Stevens:

This letter is in response to a complaint you filed with the U.S. Office of Special Counsel (OSC) alleging that U.S. Department of the Interior Secretary Ryan Zinke violated the Hatch Act. Specifically, you allege that, while acting in his official capacity, Secretary Zinke wore socks depicting President Donald Trump and his campaign slogan "Make America Great Again!" and later posted a picture of his socks to his official Twitter account. Although OSC has concluded that Secretary Zinke violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead issued him a warning letter.

As a Senate-confirmed Presidential appointee, Secretary Zinke is subject to the restrictions of the Hatch Act.¹ Among other things, the Hatch Act prohibits Secretary Zinke from using his official authority or influence for the purpose of affecting the result of an election.² For example, he may not use his official title while engaging in political activity, use government resources or his official influence to advance or oppose candidates for partisan office, or ask subordinates to engage in political activity.³

On June 26, 2018, Secretary Zinke attended an official event at Mount Rushmore while wearing socks depicting a cartoon image of President Trump and his campaign slogan "Make America Great Again!" Later that day, a picture of Secretary Zinke's socks was posted to "@SecretaryZinke," his official Twitter account, with the following message: "Breaking in new socks on a hike with the governors today." OSC has confirmed that Secretary Zinke did not post this message but authorized its posting.

¹ 5 U.S.C. §§ 7321-7326.

² 5 U.S.C. § 7323(a)(1).

³ Political activity is defined as activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. 5 C.F.R. § 734.101.

U.S. Office of Special Counsel

Page 2

Wearing or displaying items with campaign slogans or images of candidates constitutes political activity for purposes of the Hatch Act. Accordingly, Secretary Zinke engaged in political activity when he wore the above-referenced socks. Because Secretary Zinke wore these socks to an official event and also authorized their display on his official Twitter account, he violated the Hatch Act's prohibition against using his official position to influence an election.

Although OSC has concluded that Secretary Zinke violated the Hatch Act, we do not believe that his violation was willful. Rather, OSC understands that Secretary Zinke took steps to remove the picture from his official Twitter account upon hearing that the post could violate the Hatch Act. He also directed his staff to issue an apology. Therefore, we have decided to close this matter without further action.

If you have any questions, please contact me at (202) 804-7084.

Sincerely,



Ana Galindo-Marrone
Chief, Hatch Act Unit
U.S. Office of Special Counsel