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# Congress of the United States

## House of Representatives

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July 1, 2010

The Honorable William E. Reukauf  
Associate Special Counsel  
U.S. Office of Special Counsel  
1730 M Street, N.W., Suite 218  
Washington, DC 20036-4505

Dear Mr. Reukauf:

I am writing to request further information regarding a Hatch Act investigation initiated in 2007 by the Office of Special Counsel ("OSC") of the White House Office of Political Affairs ("OPA").

In 2007, former U.S. Special Counsel Scott J. Bloch announced that your office opened a Hatch Act investigation of Bush Administration officials. During that year, Bloch frequently stated in the media that OSC was investigating alleged Hatch Act violations by these officials.<sup>1</sup> Bloch's investigation, however, languished for years.<sup>2</sup> Despite requests for updates as to what the investigation had uncovered and to explain the reasons for its long delay, as far as I know, OSC never released its findings.

It has come to my attention that as part of this investigation, OSC examined the structure of OPA and its position within the White House. Individuals with knowledge of OSC's investigation have told my staff that after also reviewing the history of the office under several prior administrations, OSC investigators determined that OPA, in its current form, violates the Hatch Act. In addition, as I understand it, OSC prepared a draft report outlining its findings and recommendations. This report – believed to have been prepared by OSC official Jay Ortis – was never released.

<sup>1</sup> See generally R. Jeffrey Smith, *Task Force to Examine Alleged Improper Politicking*, WASH. POST, Apr. 25, 2007; Neil A. Lewis, *Inquiry on Political Influence*, N.Y. TIMES, Apr. 25, 2007; Shawn Zeller, *Investigative Drama: Special Counsel's Crusade*, N.Y. TIMES, Aug. 6, 2007.

<sup>2</sup> See, e.g., Stephen Barr, *That Whistle's Been Blowing For Two Years*, WASH. POST, Oct. 12, 2007.

The Hatch Act is designed to insulate career federal employees from partisan political activities.<sup>3</sup> Its principal aim is to protect lower level employees “from coercion from higher level, politically appointed supervisors [pressuring them] to engage in political activities against their will . . . to assure a non-partisan and evenhanded administration of federal laws and programs.”<sup>4</sup> Your office is charged with investigating alleged Hatch Act violations. If a violation is found, penalties range from a minimum of thirty days’ suspension without pay to a maximum of removal from office.<sup>5</sup>

The former Chairman of this Committee, Rep. Henry A. Waxman, initiated a series of investigations into the politicization of the Executive Branch. At the conclusion of his years-long investigation, Rep. Waxman’s staff prepared a 23-page staff report entitled, “The Activities of the White House Office of Political Affairs.”<sup>6</sup> In the report, the Waxman staff determined that the White House organized the travel of senior administration officials around politically advantageous locations, and specifically used travel as a tool to help elect Republicans to public office.<sup>7</sup> The Waxman staff found that these events violated the Hatch Act. They stated that the events “established precisely the type of ‘political boiler-room’ that the Congress warned against when it amended the Hatch Act in 1993.”<sup>8</sup> The Waxman staff counseled that the taxpayers “should . . . not pay the travel expenses of cabinet and other senior officials to fly across the country” for political purposes.<sup>9</sup> At the end of the Committee’s investigation, both Rep. Waxman and then-Ranking Member Tom Davis concluded that legislation to eliminate OPA was necessary.

Of particular interest to me are the viewpoints and analysis of OSC staff members that contributed to the draft report’s conclusions, as well as the reasons that OSC failed to release the report to the public. I request that you provide the Committee with all documents related to the investigation in question, including any draft reports prepared by OSC staff, and any correspondence, including emails, relating to the decision or directive not to release the report.

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<sup>3</sup> 5 U.S.C. §§ 1501 *et seq.*

<sup>4</sup> Jack Maskell, Congressional Research Service, “Hatch Act” and Other Restrictions in Federal Law on Political Activities of Government Employees, CRS no. 98-885 A, Oct. 23, 1998 at 1-2, <http://www.crs.gov/ReportPDF/98-885.pdf>.

<sup>5</sup> *See* 5 U.S.C. § 7326.

<sup>6</sup> Democratic Staff, H. Comm. on Oversight and Gov’t Reform, 110th Cong., “The Activities of the White House Office of Political Affairs,” Oct. 2008, <http://oversight.house.gov/documents/20081015105434.pdf>.

<sup>7</sup> *Id.* at i (Executive Summary).

<sup>8</sup> *Id.* at 23.

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

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Please respond with this information by July 16, 2010. Thank you for your attention to this important matter. Please contact Steve Castor or Ashok Pinto of the Committee staff at (202) 225-5074 with any questions about this request.

Sincerely,



Darrell Issa  
Ranking Member

cc: The Honorable Edolphus Towns, Chairman