

THE WHITE HOUSE

WASHINGTON

June 13, 2014

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
United States House of Representatives
Washington, DC 20515

Dear Chairman Issa:

I write in response to your May 27, 2014 letter to White House Chief of Staff Denis McDonough regarding the Office of Political Strategy and Outreach. Your letter is in response to a March 26, 2014 letter from then Counsel to the President Kathryn Ruemmler, explaining that the Office of Political Strategy and Outreach was created, and operates, consistent with the obligations of the Hatch Act and with the guidance contained in the Office of Special Counsel's (OSC) 2011 report, *Investigation of Political Activities by White House and Federal Agency Officials During the 2006 Midterm Elections* ("2011 Report").

Your most recent letter again questions whether the Office of Political Strategy and Outreach may be engaged in conduct similar to that which OSC found to be impermissible under the Hatch Act. As we explained in our previous letter, there are important organizational and operational differences between the Office of Political Affairs (OPA) as operated in 2006¹ and the current Office of Political Strategy and Outreach that ensure its activities are consistent with the Hatch Act. In an effort to address your most recent letter, I provide additional detail below.

As an initial matter, in its 2011 Report, OSC specifically identified a variety of functions as permissible under the Hatch Act and acknowledged that such activities are important for achieving the various policy objectives of the President.² Consistent with OSC's guidance, the Office of Political Strategy and Outreach is engaged in providing advice regarding matters of policy; working with constituents and political groups to, among other things, evaluate support for Presidential policies and initiatives; planning and developing long range strategies to achieve Presidential priorities; maintaining contact with national, state, and local Democratic groups; monitoring the political rhythm in various districts across the country; and remaining informed about the current political environment in order to properly advise and assist the President. In addition, the office also helps coordinate requests from political committees and candidate campaigns for the President to attend political events or send communications on their behalf, requests that inherently must be coordinated with the White House.

¹ The activities of the Office of Political Affairs in 2006 were reviewed by the Office of Special Counsel in its 2011 Report.

² 2011 Report at 65-67.

Further applying the lessons contained in OSC's 2011 Report, there are a variety of features of the Office of Political Strategy and Outreach that make it vastly different from the OPA examined by OSC. Organizationally, the Office of Political Strategy and Outreach is roughly half the size of the 2006 office that OSC analyzed in its 2011 Report. Unlike the 2006 OPA, the current office does not have a "Surrogate Scheduler" responsible for coordinating the political travel of senior agency officials – a practice OSC specifically disapproved of and in which the Office of Political Strategy and Outreach is not engaged.³ In addition, in contrast to the 2006 OPA, non-administrative personnel within the Office of Political Strategy and Outreach are all commissioned officers.⁴ As a result, they may engage in political activities while they are on duty and in government offices provided that the costs associated with that political activity are not paid for by money derived from the Treasury and the political activity does not interfere with the conduct of their full time duties consistent with the Hatch Act.⁵ Moreover, the responsibilities of these commissioned officers do not track the political activities of personnel at the political national committees as they did within the 2006 OPA. Also unlike the 2006 OPA, the Office of Political Strategy and Outreach does not have personnel from political national committees reporting for duty on federal property, a fact that weighed heavily in OSC's conclusion that the 2006 OPA had become an impermissible "political boiler room."⁶

Consistent with the 2011 Report's findings and recommendations, the Office of Political Strategy and Outreach has not been, and does not intend to be: operating a "political boiler room" managing the 2014 midterm elections; providing political briefings to agency officials on targeted races or on how to help candidates; coordinating political appointee travel to political events; tracking candidate fundraising; or encouraging political appointees to volunteer for political campaigns.

Your letter further suggests that our March 26th letter contains statements that directly contradict information provided to you by OSC. That is not the case. As we noted in our letter, the White House considered and applied OSC's latest analysis relevant to the political office as reflected in the 2011 Report when creating the Office of Political Strategy and Outreach. In addition, in mid-March of this year, and in anticipation of providing periodic Hatch Act training to White House personnel, a group of lawyers responsible for Hatch Act compliance at OSC met with White House lawyers to provide the latest guidance from OSC on general Hatch Act trends and enforcement. Training was subsequently provided to White House personnel consistent with OSC's views and observations. The White House remains in regular contact with OSC.

Finally, your letter cites news reports for the proposition that the Director of the Office of Political Strategy and Outreach "takes part in biweekly strategy meetings with the Democratic Senatorial Campaign Committee's executive director." The 2011 Report expressly notes, however, that activities such as maintaining contact with national, state, and local Democratic groups, and working with constituents and political groups are consistent with the Hatch Act.⁷

³ *Id.* at 75.

⁴ The office has one administrative staff person who provides administrative support to the commissioned officers in the office.

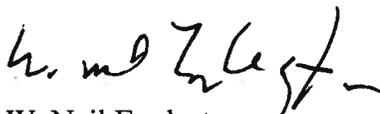
⁵ *Id.* at 7, 5 U.S.C 7324(b).

⁶ *Id.* at 73.

⁷ *Id.* at 67.

I trust that this additional information addresses your interest in the Office of Political Strategy and Outreach. Please let me know if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Neil Eggleston". The signature is fluid and cursive, with a long horizontal stroke at the end.

W. Neil Eggleston
Counsel to the President

cc: The Honorable Elijah E. Cummings, Ranking Minority Member
The Honorable Carolyn Lerner, Special Counsel
U.S. Office of Special Counsel