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VIA ELECTRONICAL MAIL

April 25, 2024

Hampton Dellinger
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Hatch Act Unit
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The Honorable Stuart F. Delery
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The White House
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Hannibal "Mike" Ware
Inspector General
Office of the Inspector General
Small Business Administration
409 3rd St. SW
Washington, D.C. 20416

Re: Request for Investigation into Apparent Hatch Act Violations by Officials at the White House and the Small Business Administration

Dear Messrs, Dellinger, Delery and Ware:

We write to alert you of what appears to be pervasive disregard by high-ranking officials at the White House and the Small Business Administration (SBA) of their obligations to avoid political activity as required by the Hatch Act.¹ More specifically, the Office of Special Counsel (OSC) has advised federal employees that the use of candidates' campaign slogans while on duty constitutes prohibited political activity in violation of the Hatch Act. Yet, we have discovered multiple instances where OSC's advice has gone unheeded and officials at the White House and SBA have used campaign slogans in direct derogation of OSC's express warnings and in apparent violation of the Hatch Act.

We request each of you to promptly investigate these potential violations and immediately intervene to ensure that the government officials at the White House and SBA do not abuse their official authority by influencing the results of the impending 2024 presidential election.

¹ 5 U.S.C. §§ 7324, *et seq.*



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I Who We Are

Protect the Public's Trust is a group of retired and former public servants dedicated to the idea that public service is a public trust. Too often, we have seen high level public servants play fast and loose with the rules that other government officials have to live with, creating the perception of a two-tiered system and resulting in an unprecedented dip in trust in our elected officials. We believe that the American people deserve a government that is impartial, free from conflicts of interest, and operates without political interference or favoritism. Our goal is to ensure our nation fulfills that promise.

II Background

A. Prohibited Use of Campaign Slogans by Employees at the White House

Soon after former President Trump's announced in November of 2022 that he would seek a second term as president, OSC expressly advised federal employees against using campaign slogans while on duty, specifically including former President Trump's slogan "MAGA."² Yet, PPT has uncovered multiple instances where White House officials, wielding the full force of their titles and offices, have used the campaign slogan "MAGA" in contravention of the Hatch Act.

For example, on January 18, 2023, White House Senior Communications Assistant Brianna Stonick sent an email with attached talking points to what appears to be a group email address and cc'd four colleagues at the White House. The subject line of the email is "Talking Points: House Republican MAGA Economic Plan"³ and Ms. Stonick exhorted the recipients: "Please find talking points below on the President's veto of the extreme MAGA Republican bill. Feel free to deploy now to your respective universes."⁴ This admonition to deploy prohibited campaign slogans to "respective universes" plainly suggests that she was sending the message to multiple recipients outside of the White House and that these recipients were, in turn, expected to disseminate the talking points.⁵

² U.S. Office of Special Counsel, "Hatch Act Advice Now that Former President Trump is a Presidential Candidate", Office of Special Counsel, December 14, 2022, <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advice%20Now%20that%20Former%20President%20Trump%20is%20a%20Presidential%20Candidate.pdf>

³ Small Business Administration, "Records from FOIA SBA-2023-002950" p. 642, SBA, (FOIA Document 2), <https://protectpublictrust.org/wp-content/uploads/2024/04/SBA-2023-002950-pp.-779-1667.pdf>

⁴ *Ibid.*

⁵ Ms. Stonick's emails discussed in this Complaint were also sent by her to an email address in her own name which appears to have been linked to accounts for other federal agencies, including the communications office at SBA. Although the documents provided to PPT do not reveal whom at agencies other than SBA may have received Ms. Stonick's emails, there may be dozens of recipients of her emails using the term "MAGA" across the government. Moreover, these recipients may well have forwarded the emails to others, resulting in untold hundreds of violations of



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In an email dated January 20, 2023, Ms. Stonick (on behalf of Kate Bedingfield, the Communications Director in the Executive Office of the President) sent a “Cheat Sheet” to her own email address (presumably to distribute to a large list of recipients who were bcc’d) as well as to others within the White House touting the economic record of the Biden administration “in contrast to MAGA Republicans in Congress who are creating chaos and proposing an extreme and divisive agenda”⁶ Ms. Stonick’s title and the fact that she can be reached in the “WW” at the White House are prominently featured at the bottom of the Cheat Sheet.

On March 20, 2023, Ms. Stonick emailed talking points to four colleagues at the White House and again to an email address in her own name. The subject line of the email is “Talking Points: President Biden’s Veto of Extreme MAGA Republican Bill.”⁷ The five pages following the email, presumably containing the talking points, are entirely redacted.⁸

By email dated March 30, 2023, Rachel Thomas, Senior Communications Advisor at the White House and former Communications Director for the Biden Presidential Campaign,⁹ sent a copy of the “Investing in America Tour Pitch” to agencies across the government, including SBA, for review.¹⁰ The pitch was customized for U.S. states and territories, and each pitch included the statement “Extreme MAGA Republicans in Congress have proposed legislation to ship manufacturing jobs overseas, as well as increase health care costs, energy costs, and prescription drug prices for working families.” This sentence was repeated *fifty-six times* in materials sent to 19 separate recipients at nine agencies for a total of 1,064 potential violations of the Hatch Act.¹¹

On April 1, 2023, the White Office of Intergovernmental Affairs emailed Mark Madrid, Assistant Administrator at SBA (and likely officials at other agencies), a newsletter stating “across our country, MAGA extremists are advancing hundreds of hateful state laws that target transgender kids and their families.”¹²

the Hatch Act for each email sent by Ms. Stonick.

⁶ Small Business Administration, “Records from FOIA SBA-2023-002950” p. 9, SBA, (FOIA Document 1), <http://protectpublictrust.org/wp-content/uploads/2024/04/SBA-2023-002950-pp.-1-778.pdf>

⁷ FOIA Document 2 p. 29

⁸ Notably, SBA cited *no* exemptions in support of the hundreds of redactions it made in a production of over 2,300 pages provided to PPT under the Freedom of Information Act (FOIA). If an agency locates records or portions of records that are responsive to a FOIA request, and not exempt under FOIA or prohibited from being disclosed by another law, an agency *must* disclose such records. *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 221 (1978). Although PPT has requested that SBA identify the FOIA exemption that purportedly justifies each of its redactions or produce the redacted portions of documents for which there is no valid exemption, as of April 24, 2024, SBA has not responded to PPT’s request.

⁹ Rachel Thomas, LinkedIn, <https://www.linkedin.com/in/rachelrthomas/>.

¹⁰ Jeremy Diamond, “Biden kicks off ‘Invest in America’ tour next week”, CNN Politics, March 24, 2023, <https://www.cnn.com/2023/03/24/politics/biden-invest-in-america-tour/index.html>

¹¹ FOIA Document 1 p. 136-252.

¹² FOIA Document 1 p. 63.



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In an email dated April 20, 2023, Ms. Stonick sent an email from the White House to five colleagues with the subject line “House Republicans Threaten Default to Help the Wealthy at Expense of Middle Class.” One of the talking points is: “McCarthy Sides with Extreme MAGA Republicans.”¹³ The substance of the talking points is redacted in its entirety.

The White House Office of Political Strategy and Outreach, headed by Emily Ruiz,¹⁴ sent an email on May 21, 2023, to Brossy Jackson, assistant administrator for the Office of Native American Affairs at SBA,¹⁵ containing a link titled “MAGA House Republicans’ Default on America Act Would Have Devastating Impacts Across America.”¹⁶ This email was likely circulated to officials at other agencies as well.

The foregoing emails, sent from three separate offices at the White House, appear to involve political activity and to be at odds with the Hatch Act and express OSC Guidance. Moreover, these communications were sent by officials at the White House office who wielded the full influence of their positions and titles in apparently overt “encouragement” to officials in those agencies to repeat the violation of the Hatch Act through dissemination of political talking points disparagingly using the campaign slogan “MAGA.” Indeed, this is precisely what happened at SBA, where political emails from the White House were disseminated within the agency.

B. Prohibited Use of Campaign Slogans by Employees at SBA

By email dated January 18, 2023, Terrence Clark, SBA Director of Communications, received talking points from Ms. Stonick at the White House with the message “Please see below for talking points and the attached fact sheet on the House Republicans’ MAGA Economic Plan.”¹⁷ The subject line of the email is “Talking Points: House Republican MAGA Economic Plan.”¹⁸ Mr. Clark sent the email containing two uses of the slogan “MAGA,” to “talkers@sba.gov,” presumably including other members of the SBA communications office.¹⁹ In the records produced by SBA to PPT, the talking points and fact sheet, which almost certainly also used the term MAGA, were redacted in their entirety.

¹³ FOIA Document 1 p.76.

¹⁴ Emmy Ruiz, Wikipedia, https://en.wikipedia.org/wiki/Emmy_Ruiz.

¹⁵ Jackson S. Brossy, U.S. Small Business Administration, <https://www.sba.gov/person/jackson-s-brossy>.

¹⁶ FOIA Document 1 p.450. Clicking on the link takes the reader to a White House Briefing Room website which repeats the same sentence and links to “fact sheets” for the 50 states and the District of Columbia containing the same use of the term “MAGA House Republicans[.]” STATE FACT SHEETS: MAGA House Republicans’ Default on America Act Would Have Devastating Impacts Across America | The White House, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/02/state-fact-sheets-maga-house-republicans-default-on-america-act-would-have-devastating-impacts-across-america/>. This disparaging dissemination of the slogan “MAGA” by the White House Briefing along with linking to 51 “fact sheets” using term constitutes another 51 violations of the Hatch Act.

¹⁷ FOIA Document 2 p. 642. It is quite likely that Ms. Stonick email was sent to press offices at other agencies.

¹⁸ *Ibid.*

¹⁹ FOIA Document 2 p. 642.



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In a second email to talkers@sba.gov dated January 20, 2023, Mr. Clark at the SBA forwarded an email from Brianna Stonick (on behalf of Kate Bedingfield, the Communications Director in the Executive Office of the President) containing a “Cheat Sheet” touting the economic record of the Biden administration “in contrast to MAGA Republicans in Congress who are creating chaos and proposing an extreme and divisive agenda”²⁰ Ms. Stonick’s title and the fact that she can be reached in the “WW” at the White House are prominently featured at the bottom of the Cheat Sheet.

On March 20, 2023, Christina Hale, Associate Administrator for the Office of Communications and Public Liaison, emailed a copy of talking points she received from Brianna Stonick at the White House, to “ICG” (presumably SBA Administrator Isabel Casillas Guzman) and Arthur Plews, Chief of Staff, with the subject line “President Biden’s Veto of Extreme MAGA Republican Bill.”²¹ The same day, in an apparently independent violation of the Hatch Act, Administrator Guzman forwarded the talking points to George Holman, the Associate Administrator for Congressional and Legislative Affairs at SBA.²² In the documents produced by SBA to PPT, the talking points, likely containing additional uses of the slogan “MAGA,” are redacted in their entirety.

On March 26, 2023, Associate SBA Administrator Mark Madrid, forwarded an email to two subordinates with the instruction “Team, please print this for me when you can (3 copies).”²³ The forwarded email originated in the White House Office of Intergovernmental Affairs and is titled “What They Are Reading in the States: Biden-Harris Administration is Investing in America; Local Communities Reap Benefits” and contains the following passage:

[T]he White House announced that President Biden will be kicking off an Administration-wide, three-week Investing in America tour that will highlight . . . what's at stake if MAGA Republicans in Congress get their way and repeal the Inflation Reduction Act and slash funding for manufacturing, research, and innovation.

A more express and political use of a campaign slogan to the advantage of one candidate while disparaging the opposing party is difficult to imagine.

Moreover, in an email dated April 20, 2023, Christina Hale, the Associate Administrator for the Office of Communications and Public Liaison, received talking points from Ms. Stonick at the White House, with the subject line “House Republicans Threaten Default to Help the Wealthy at Expense of Middle Class.” One of the talking points is: “McCarthy Sides with Extreme MAGA Republicans.”²⁴ Ms. Hale forwarded the talking points to “ICG (Administrator Guzman) and three other SBA colleagues. The substance of the talking points is redacted in its entirety.

²⁰ FOIA Document 1 p. 9.

²¹ Small Business Administration, "Records from FOIA SBA-2023-002950" p. 223, SBA, (FOIA Document 3), <http://protectpublictrust.org/wp-content/uploads/2024/04/SBA-2023-002950-pp.-1668-2310.pdf>

²² FOIA Document 3 p. 223.

²³ FOIA Document 1 p. 31-34.

²⁴ FOIA Document 1 p.76.



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On May 10, 2023, SBA Associate Administrator, Mark Madrid, received an email from the White House Office of Political Strategy and Outreach with the attached document “ICYMI: President Biden Urges Congress to Avoid Default Immediately.” The document states that “MAGA House Republicans are threatening [not] . . . to take . . . default off the table.”²⁵

III The Hatch Act

A. Applicability to Federal Employees

The Hatch Act prohibits federal executive branch employees from using their official authority or influence to interfere with or affect the result of an election.²⁶ The Act applies to any individual, other than the President or Vice President, “employed or holding office in . . . an Executive agency other than the Government Accountability Office.”²⁷

Under the Hatch Act, a federal employee may not engage in “political activity” while on duty or “in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof.”²⁸

Under federal regulations, “political activity means an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.”²⁹ This definition is broad and *does not* require any express advocacy for or against a political party or candidate.³⁰

The penalty structure for violations of the Hatch Act by federal employees includes removal from federal service, reduction in grade, debarment from federal employment for a period not to exceed 5 years, suspension, reprimand, or a civil penalty not to exceed \$1,000.³¹

²⁵ FOIA Document 1 p. 19. Mr. Madrid received additional emails from the White House Office of Political Strategy and Outreach on Mar 26, 23; May 23, 23; Mar 26, 23; May 11, 23; May 1, 23; May 10, 23; May 11, 23; May 14, 23; May 18, 23; May 21, 23; Apr 30, 23; Apr 30, 23. Analogous offices in previous administrations have been investigated by OSC for violations of the Hatch Act as the result of coordinating political activities with appointees at federal agencies. INVESTIGATION OF POLITICAL ACTIVITIES BY WHITE HOUSE AND FEDERAL AGENCY OFFICIALS DURING THE 2006 MIDTERM ELECTIONS, Office of Special Counsel, January 2011, https://legacy-assets.eenews.net/open_files/assets/2020/06/22/document_gw_09.pdf

²⁶ 5 U.S.C. § 7323(a)(1).

²⁷ 5 U.S.C. § 7322(1)(A).

²⁸ 5 U.S.C. §§ 7324(a)(1)-(2). Emphasis added. An exception applies to certain federal employees in limited circumstances. §§ 7324(b)(1)-(2), *See also*, 5 CFR § 734.502. However, the exception does not apply to political activity involving the use of official title or office, as is the case here. <https://www.ecfr.gov/current/title-5/chapter-1/subchapter-B/part-734>

²⁹ 5 C.F.R. § 734.101.

³⁰ “Hatch Act Advice for Federal Employees Now that Former President Trump is a Presidential Candidate”, U.S. Office of Special Council, December 14, 2022, <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advice%20Now%20that%20Former%20President%20Trump%20is%20a%20Presidential%20Candidate.pdf>

³¹ *See* 5 U.S.C. § 7326(1)-(3).



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B. OSC Has Advised That Sending Email Containing Campaign Slogans Constitutes “Political Activity” and Violates the Hatch Act

In December of 2015, OSC issued Advisory Opinions warning federal employees that dissemination of emails, including emails sent or forwarded within the government, containing campaign slogans run afoul of the Act:

[F]ederal employees must not send or forward partisan political emails to others while on duty or in the workplace.³²

A federal employee cannot send or forward a partisan political email from either his government email account or his personal email account (even using a personal device) while at work.³³

It is an improper use of official authority for a supervisor to send or forward a partisan political email to subordinates at any time.³⁴

These restrictions apply even if the employee is sharing or forwarding content authored by another and/or sharing or forwarding content to like-minded employees.³⁵

C. OSC Has Expressly Advised That Emailing the Slogan “MAGA” Violates the Hatch Act

On November 15, 2022, former President Trump declared his candidacy for the Office of President in the 2024 presidential election.³⁶ On December 14, 2022, OSC issued advice to federal executive branch employees specific to the Trump campaign that “while on duty or in the workplace, employees may not wear, display, or distribute items with the slogan “Make America Great Again,” “MAGA,” or any other materials from former President Trump’s 2016, 2020, or 2024 campaigns or use hashtags such as #MAGA or #Trump2024 in social media posts or other forums.”³⁷ In providing

³² See [https://osc.gov/Documents/Hatch Act/Advisory Opinions/Federal/Social Media and Email FAQs.pdf](https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Social%20Media%20and%20Email%20FAQs.pdf). (Dec. 18, 2015). Question and Answer 12.

³³ *Ibid.*, Question and Answer 13.

³⁴ *Ibid.*, Question and Answer 14.

³⁵ See e.g., “Political Activity”, U.S. Department of the Interior, <https://www.doi.gov/ethics/political-activity>

³⁶ Isaac Arnsdorf and Michael Scherer, “Donald Trump announces he is running for president in 2024”, *The Washington Post*, Nov. 15, 2022, <https://www.washingtonpost.com/politics/2022/11/15/trump-2024-announcement-running-president/>.

³⁷ “Hatch Act Advice Now that Former President Trump is a Presidential Candidate”, U.S. Office of Special Counsel, Dec. 14, 2022, [https://osc.gov/Documents/Hatch Act/Advisory Opinions/Federal/Hatch Act Advice Now that Former President Trump is a Presidential Candidate.pdf](https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advice%20Now%20that%20Former%20President%20Trump%20is%20a%20Presidential%20Candidate.pdf). Virtually, identical advice about compliance with the Act was provided by OSC in the wake of President Biden’s announcement that he was a candidate for re-election. See “Advisory Opinion Regarding the Hatch Act and President Joseph Biden Now that He Is a Candidate for Reelection”, U.S. Office of Special



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this guidance, OSC restated that distribution of slogans by email can violate the Hatch Act and an email containing a slogan need not expressly advocate for or against a candidate's election to violate the Hatch Act.³⁸

OSC has also considered the argument that the term "MAGA" had expanded beyond a campaign slogan and now represents a broader political ideology such that its use does not constitute political activity unless paired with express advocacy for a candidate or political party.³⁹ In rejecting that argument OSC found that

*"MAGA remains the campaign slogan of a current candidate for partisan political office, and therefore, its use constitutes political activity. This is true regardless of whether the slogan is used positively or negatively to describe—e.g., MAGA officials, MAGA Republicans, MAGA policies, or MAGA Members of Congress. Accordingly, federal employees should not use "MAGA" or "Make America Great Again" while on duty, in the workplace, or when acting in their official capacity, including communicating through social media, email, or on government websites."*⁴⁰

IV Analysis

The officials at the White House and SBA described above indisputably fall under the restrictions of the Hatch Act as employees of an executive agency other than the President and Vice President. And their conduct was undertaken in their official capacities at the White House and SBA regulated by the Hatch Act's prohibitions of engaging in political activity while on duty or in a room or building occupied in the discharge of official government duties.

As executive branch employees regulated by the Hatch Act, each use by these officials of the slogan "MAGA" appears to have been a clear and direct violation of the Hatch Act's prohibition against the use of their official positions to interfere with or affect the result of an election. Indeed, the apparent violations seem to have intensified shortly after President Trump announced his bid for the presidency in 2024 and were amplified as President Biden contemplated joining the race, and then announced his candidacy on April 25, 2023. These political appointees' deeply disparaging comments using President Trump's campaign slogan can only be understood as an inappropriate attempt to influence the vote.

Counsel, April 26, 2023, [https://osc.gov/Documents/Hatch Act/Advisory Opinions/Federal/The Hatch Act implications of President Biden announcing his reelection campaign.pdf](https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/The%20Hatch%20Act%20implications%20of%20President%20Biden%20announcing%20his%20reelection%20campaign.pdf) ("[w]hile on duty or in the workplace, employees may not wear, display, or distribute items with campaign slogans")

³⁸*Ibid.*

³⁹ "Hatch Act Advisory Opinion Regarding the Use of Presidential Campaign Slogans", U.S. Office of Special Counsel, June 7, 2023, [https://osc.gov/Documents/Hatch Act/Advisory Opinions/Federal/Hatch Act Advisory Opinion Regarding the Use of Presidential Campaign Slogans.pdf](https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advisory%20Opinion%20Regarding%20the%20Use%20of%20Presidential%20Campaign%20Slogans.pdf) at 2.

⁴⁰ "Hatch Act Advisory Opinion Regarding the Use of Presidential Campaign Slogans", U.S. Office of Special Counsel, June 7, 2023, [https://osc.gov/Documents/Hatch Act/Advisory Opinions/Federal/Hatch Act Advisory Opinion Regarding the Use of Presidential Campaign Slogans.pdf](https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advisory%20Opinion%20Regarding%20the%20Use%20of%20Presidential%20Campaign%20Slogans.pdf) at 2.



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As noted above, although a violation of the Hatch Act does not require any express advocacy for or against a political party or candidate, the email communications discussed above amply demonstrate the partisan nature of the use of the term MAGA. Examples from Ms. Stonick's emails refer to "President Biden's Veto of Extreme MAGA Republican Bill," "Extreme MAGA Republicans in Congress," "MAGA extremists are advancing hundreds of hateful state laws," "McCarthy Sides with Extreme MAGA Republicans," and "MAGA Republicans in Congress who are creating chaos and proposing an extreme and divisive agenda." Emails sent by others at the White House and SBA are just as derisive.

Such an attempt to politicize federal employees and agencies and potentially sway an election is a direct violation of the Hatch Act's prohibition against employees at the White House and high-ranking officials at the agencies from using their offices to influence an election or seek the success or failure of a political party.

Even if the emails are understood to refer to only a subset of the Republican party – the so-called "MAGA Republicans" – rather than the party as a whole, they still constitute a violation of the Hatch Act. The Hatch Act does not preclude activity seeking only the success or failure of political parties as a whole, but of particular candidates for partisan political office and partisan political groups as well.⁴¹ The "MAGA Republicans" that federal employees referred to are a collection of Republican candidates who have made no secret of their support for and from former President Trump. Accordingly, these comments are clearly targeted at identifiable candidates for partisan political office and also at the broader "MAGA" partisan political group with which they are affiliated.

Accordingly, officials at the White House and SBA appear to have violated the Hatch Act by inappropriate use of their positions to advocate for the defeat of partisan political opponents and should receive a commensurate penalty under 5 U.S.C. § 7326.

V High-Ranking Officials At SBA Have Also Been Recipients of Political Propaganda from the Democratic National Committee, the Biden Campaign, and the White House Office of Political Strategy and Outreach

OSC has described a purpose of the Hatch Act to be "insuring that federal programs are administered in a nonpartisan fashion"⁴² and "maintain[ing] a federal workforce that is free from partisan political influence or coercion."⁴³ Despite these purposes behind the Hatch Act the documents provided to date contain dozens of emails received by high-ranking officials at the SBA from the Democratic National Committee (DNC) and the Biden re-election campaign. The sheer volume of these emails raises questions about direct partisan influence at SBA and reinforces the concerns raised above that

⁴¹ U.S. Office of Special Counsel, Federal Employee Hatch Act Information (Last Accessed November 2, 2022), <https://osc.gov/Services/Pages/HatchAct-Federal.aspx#tabGroup12>.

⁴² "Hatch Act Overview", U.S. Office of Special Counsel, <https://osc.gov/Services/Pages/HatchAct.aspx>.

⁴³ "A Guide to the Hatch Act for Federal Employees", U.S. Office of Special Counsel, <https://osc.gov/Documents/Outreach and Training/Handouts/A Guide to the Hatch Act for Federal Employees.pdf>.



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officials at SBA are engaged in inappropriate political activity in the executive branch.

A. Communications from the DNC

i. Administrator Guzman

The records reveal that Administrator Guzman received at least sixty emails from the DNC between December of 2022 and June of 2023.⁴⁴ The emails typically contained political talking points and were often in Spanish. Examples of talking points include: a description of Sarah Huckabee Sanders as a “MAGA abortion extremist,”⁴⁵ Spanish and English language attacks on Ron DeSantis as an extremist on abortion policy,⁴⁶ and anti-President Trump Spanish language talking points.⁴⁷ The DNC also provided talking points against the following Republicans on the day each announced their candidacy for president: Ron DeSantis,⁴⁸ Mike Pence,⁴⁹ Chris Christie,⁵⁰ Douglas Burgum,⁵¹ and Nikki Haley.⁵²

ii. Associate Administrator Mark Madrid

Not only did Administrator Guzman receive vast amounts of political propaganda from the DNC, some sixty emails were also provided by the DNC to SBA Associate Administrator, Mark Madrid, between November of 2022 and June 2023.⁵³

⁴⁴ Administrator Guzman received emails from the DNC on Mar 17, 23; Apr 21, 23; Feb 21, 23; Mar 9, 23; Feb 7, 23; Jan 13, 23; Mar 3, 23; Apr 3, 23; Apr 13, 23; Mar 31, 23; Apr 3, 23; Apr 5, 23; Dec 8, 22; Apr 14, 23; Apr 13, 23; Apr 18, 23; Apr 20, 23; Dec 19, 22; May 1, 23; May 5, 23; May 4, 23; May 9, 23; Dec 20, 23; May 15, 23; May 22, 23; Jun 6, 23; Jun 7, 23; Jan 3, 23; Jan 5, 23; Jan 9, 23; Jan 18, 23; Jan 23, 23; Jan 24, 23; Jan 26, 23; Feb 1, 23; Feb 7, 23; Jan 31, 23; Feb 9, 23; Nov 21, 22; Feb 10, 23; Feb 14, 23; Feb 15, 23; Nov 22, 22; Feb 27, 23; Feb 22, 23; Nov 28, 22; Mar 10, 23; Mar 15, 23; Mar 21, 23; Dec 7, 22; Mar 23, 23; Mar 28, 23; Mar 29, 23; Jan 6, 23; Feb 23, 23; Feb 24, 23; Mar 21, 23; Mar 28, 23; Mar 23, 23. *See, generally* contained within Document 1 (pp. 274-305) and Document 2 (pp. 81-123, 316-416, and 511-518).

⁴⁵ FOIA Document 1 p. 301.

⁴⁶ FOIA Document 2 p. 899.

⁴⁷ FOIA Document 2 p. 1029.

⁴⁸ FOIA Document 2 p. 1401.

⁴⁹ FOIA Document 2 p. 1041.

⁵⁰ FOIA Document 2 p. 1056.

⁵¹ FOIA Document 2 p. 1062.

⁵² FOIA Document 2 p. 1065.

⁵³ FOIA Document 2 p. 1121.

⁵³ Mr. Madrid received emails originating with the DNC on Apr 19, 2023; Mar 7 2023; April 19 2023; Mar 23 2023; Jun 2 2023; Feb 17 2023; Mar 8 2023; Jun 16 2023; Feb 16 2023; Mar 9 2023; Mar 7 2023; Mar 10 2023; Feb 28 2023; Feb 24 2023; Apr 20 2023; Mar 21, 2023; Mar 28 2023; Mar 2 2023; Mar 23 2023; Mar 21, 2023; May 1, 2023; Mar 29, 2023; Mar 15, 2023; Apr 18, 2023; Mar 30, 2023; May 10, 2023; May 15, 2023; May 31, 2023; June 5 2023; Jun 6, 2023; Nov 22, 22; Nov 28 22; Dec 14, 22; Dec 15, 22; Dec 20, 22; Dec 19, 22; Jan 9 2023; Jan 18 2023; Jan 26, 22; Jan 31, 2023; Feb 1, 2023; Feb 10, 2023; Feb 7, 2023; Feb 14, 2023; Feb 9, 2023; Feb 15, 2023; Feb 23, 2023; Feb 27, 2023; Feb 22, 2023; Mar 9, 2023; Jan 24, 2023; Mar 6, 2023; Jan 23, 2023; Mar 31, 2023; April 3 2023; Nov 21, 22; Apr 5 2023; Apr 13, 2023; Apr 14, 2023; Dec 7, 2023; Apr 26, 2023; Feb 15, 2023; May 3, 2023; Dec 8, 22; May 4, 2023; May 9, 2023; May 22, 2023; May 24 2023; Jun 6, 2023; Jun 7, 2023; Jan 3 2023; June 7 2023; Jan 5 2023; Jan 6, 2023, “Madrid emails from DNC,” <http://protectpublicstrust.org/wp-content/uploads/2024/04/Madrid-emails-from-DNC.pdf>.



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B. Communications from the Biden Campaign

i. Administrator Guzman

Among the communications received from the Biden Campaign by Administrator Guzman were news releases regarding: the Democrats' 50-State fundraising strategy,⁵⁴ President Biden's purportedly strong support from labor in the first hours of the campaign,⁵⁵ MoveOn endorses Biden for President,⁵⁶ "Biden for President Releases First Ad of 2024 Cycle."⁵⁷ Again, these emails from a political party serve no legitimate purpose of the SBA and are clearly designed to prop-up President Biden.

ii. Associate Administrator Mark Madrid

Like Administrator Guzman, Associate Administrator Mark Madrid also received communications from the Biden Campaign. For example, on June 6, 2023, Mr. Madrid received an email stating: "Subject: Biden for President and DNC Announce Digital Ads and Billboards Highlighting President Biden's Experience and Leadership."⁵⁸ Mr. Madrid received at least four additional emails from the Biden Campaign.⁵⁹

Although the receipt of emails from the DNC and Biden Campaign may not be express violations of the Hatch Act, they do amplify the politicization of the SBA (and likely other federal agencies) to advance the goals of Candidate Biden and the Democratic Party while disparaging Republicans and Republican candidates for the presidency and other offices.

VI Conclusion

We ask your offices to immediately investigate these allegations and prevent officials at the White House and the Small Business Administration identified above from engaging in any further activity to use their authority to influence the results of the election and to impose penalties as appropriate. Additionally, we request that you alert Inspectors General at other agencies to this potentially widespread violation of the Hatch Act and ask them to investigate whether actions like those taken by individuals at the Small Business Administration, particularly at the behest of White House press officials, have taken place at their agencies. There should not be a two-tiered system of

⁵⁴ FOIA Document 1 p. 278.

⁵⁵ FOIA Document 1 p. 289.

⁵⁶ FOIA Document 2 p. 1005.

⁵⁷ FOIA Document 2 p. 1012.

⁵⁸ FOIA Document 1 p. 314. Mr. Madrid subsequently forwarded the email to himself.

⁵⁹ May 10, 23; Apr 26, 23; May 18, 23; Jun 16, 23. *See, generally* FOIA Documents 1-3.



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government ethics that subjects prominent Officials at the White House and Small Business Administration to a lower standard of scrutiny than other average public servants.

Sincerely,

Michael Chamberlain
Director
Protect the Public's Trust