

**Congress of the United States**  
**Washington, DC 20515**

June 17, 2019

The Honorable Henry Kerner  
Special Counsel  
Office of Special Counsel  
1730 M Street NW, Suite 218  
Washington, DC, 20036

Dear Mr. Kerner:

We write to request that the Office of Special Counsel open an investigation to determine whether Senior White House Adviser Jared Kushner is violating the Hatch Act by engaging in prohibited campaign fundraising activities.

As you know, under the Hatch Act, federal employees are prohibited from fundraising for political candidates.<sup>1</sup> Alarming, recent media reports indicate that Mr. Kushner is nonetheless taking a direct role in raising funds for the re-election campaign of President Donald Trump. Last month, Yahoo News reported that Kushner “has multiple daily conversations with [Trump Campaign Manager Brad] Parscale” from the West Wing.<sup>2</sup> The New York Times subsequently reported on a meeting organized by Kushner at the White House to “discuss the fund-raising strategy for 2020” featuring Parscale, Republican National Committee Chairwoman Ronna McDaniel, Treasury Secretary Steven Mnuchin, and “a group of big donors.”<sup>3</sup> The same report revealed that “allies” of Kushner say he is seeking “control of the fund-raising.”

These reports strongly suggest that Kushner is violating the Hatch Act’s prohibitions against any Executive agency employees “knowingly solicit[ing], accept[ing], or receiv[ing] a political contribution from any person.”<sup>4</sup> As your office noted yesterday in its statement recommending the removal of Counselor to the President Kellyanne Conway from federal service, “Although the President and Vice President are exempt from the Hatch Act, employees of the White House are not.”<sup>5</sup>

---

<sup>1</sup> 5 U.S. Code § 7323

<sup>2</sup> Hunter Walker, “A Facebook ‘army’ and freewheeling tweets: Inside the billion-dollar Trump 2020 campaign machine,” *Yahoo News*, May 4, 2019 <https://news.yahoo.com/inside-billion-dollar-trump-2020-campaign-machine-141811191.html>

<sup>3</sup> Maggie Haberman and Annie Karni, “Kushner Sees a Problem in Trump’s Fund-Raising, but Not Everyone Agrees,” *New York Times*,

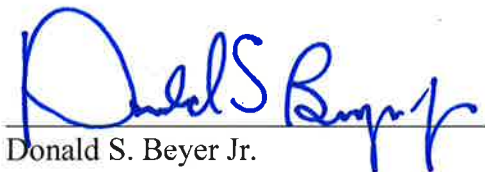
<sup>4</sup> 5 U.S. Code § 7323

<sup>5</sup> Office of Special Counsel, “OSC Finds Kellyanne Conway Repeatedly Violated the Hatch Act, Recommends Removal from Federal Service” <https://osc.gov/News/pr-19-10.pdf>


We also believe Mr. Kushner's poor track record of compliance with the spirit of the Hatch Act, for instance his use of his official title in campaign literature<sup>6</sup> and his discussion of campaign matters during official activities including the White House staff meeting,<sup>7</sup> merit enhanced scrutiny. The larger context of Trump Administration officials failing to comply, being previously reprimanded by OSC,<sup>89</sup> and, in some cases, openly flouting Hatch Act requirements<sup>10</sup> also argues against giving senior Administration officials benefit of the doubt when considering potential violations.

The stated purpose of the Hatch Act is to prevent federal civil servants from using their official authority to help elect candidates to office, and we have strong reason to believe that Jared Kushner is in violation of both the spirit and the letter of that Act. We ask that you investigate these matters at your earliest opportunity, and thank you for your consideration.

Sincerely,



Donald S. Beyer Jr.



Ted W. Lieu

---

<sup>6</sup> Citizens for Responsibility and Ethics in Washington, Letter to Office of Special Counsel, February 27, 2018 <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2018/02/28000351/OSC-letter-Kushner-2-27-18-2.pdf>

<sup>7</sup> Citizens for Responsibility and Ethics in Washington, Letter to Office of Special Counsel, March 8, 2018 <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2018/03/08194625/OSC-letter-Kushner-3-8-18-supplement.pdf>

<sup>8</sup> Ellie Kaufman, "6 White House officials found in violation of the Hatch Act," *CNN*, December 3, 2018 <https://www.cnn.com/2018/11/30/politics/six-white-house-officials-hatch-act/index.html>

<sup>9</sup> Dino Grandoni, "Federal investigators concluded Ryan Zinke's MAGA socks violated law," *Washington Post*, June 6, 2019 <https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2019/06/06/the-energy-202-federal-investigators-concluded-ryan-zinke-s-maga-socks-violated-law/5cf80667a7a0a46b92a3ffff/>

<sup>10</sup> John Wagner and Michelle Ye Hee Lee, "Trump says he won't fire Kellyanne Conway over Hatch Act violations," *Washington Post*, June 14, 2019 [https://www.washingtonpost.com/politics/trump-says-he-wont-fire-kellyanne-conway-over-hatch-act-violations/2019/06/14/76f31a94-8e9f-11e9-adf3-f70f78c156e8\\_story.html](https://www.washingtonpost.com/politics/trump-says-he-wont-fire-kellyanne-conway-over-hatch-act-violations/2019/06/14/76f31a94-8e9f-11e9-adf3-f70f78c156e8_story.html)