



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-804-7000

September 20, 2018

Mr. Noah Bookbinder
Executive Director
Citizens for Responsibility and Ethics in Washington
455 Massachusetts Avenue, N.W.
Washington, DC 20001

Re: OSC File No. HA-18-4852

Dear Mr. Bookbinder:

This letter is in response to a complaint you filed with the U.S. Office of Special Counsel (OSC) alleging that Stephanie Grisham, Deputy Assistant to the President and Communications Director for the Office of the First Lady, violated the Hatch Act. Specifically, it was alleged that Ms. Grisham violated the Hatch Act when she used her official “@StephGrisham45” Twitter account to post a message that included #MAGA and a photograph of a 2015 campaign rally. For the reasons explained below, OSC has concluded that Ms. Grisham’s tweet violated the Hatch Act. In response, we have issued her a warning letter.

The Hatch Act restricts certain political activities of federal executive branch employees, except for the President and the Vice President. 5 U.S.C. §§ 7321-7326. Accordingly, as Deputy Assistant to the President and Communications Director for the Office of the First Lady, Ms. Grisham is covered by the Hatch Act and prohibited from, among other things, using her official authority or influence for the purpose of interfering with or affecting the result of an election. *Id.* § 7323(a)(1). For example, under this provision, Ms. Grisham may not use her official title while engaging in political activity or her official position to advance or oppose candidates for partisan office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

We understand that Ms. Grisham uses the “@StephGrisham45” Twitter account in her official capacity as Communications Director for the Office of the First Lady. At issue is a message she tweeted from that account on July 11, 2018, which read: “Three years ago today I listened to my gut & joined the Trump team in #PHX . . . & life has never been the same. So proud to work for both @POTUS @realDonaldTrump & @FLOTUS 🇺🇸 #MAGA.” Included with this message was a photograph from one of President Trump’s earlier campaign rallies.

Because Ms. Grisham uses the “@StephGrisham45” Twitter account for official purposes, the Hatch Act prohibits her from using that account to engage in political activity.¹ Tweeting a campaign slogan of a current candidate for partisan political office constitutes political activity for purposes of the Hatch Act. Thus, because President Trump is a candidate for reelection,² Ms. Grisham engaged in political activity when she tweeted #MAGA (i.e., Make America Great Again) on July 11, 2018. Accordingly, OSC has concluded that Ms. Grisham violated the Hatch Act when she tweeted this message from her official Twitter account.

Once Ms. Grisham became aware that her tweet may have violated the Hatch Act, she deleted the post. And OSC has found no evidence that she engaged in any additional prohibited political activity via Twitter. Thus, although we have concluded that Ms. Grisham violated the Hatch Act, we have decided not to pursue disciplinary action and are closing this file without further action. Ms. Grisham has been advised that if in the future she engages in prohibited political activity while employed in a position covered by the Hatch Act, we will consider such activity to be a willful and knowing violation of the law, which could result in further action.

If you have any questions, you may contact me at 202-804-7054.

Sincerely,



Erica S. Hamrick
Deputy Chief
Hatch Act Unit

¹ See OSC’s February 2018 “Hatch Act Guidance on Social Media,” pg. 9, *available at*:

<https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.

² See OSC’s March 5, 2018 “Updated Guidance Regarding the Hatch Act and President Trump Now That He Is Officially a Candidate for Reelection,” *available at*:

<https://osc.gov/Resources/Candidate%20Trump%20Hatch%20Act%20Guidance%203-5-2018.pdf>.