

**VIOLATIONS OF THE HATCH ACT
UNDER THE TRUMP ADMINISTRATION,
PART II: KELLYANNE CONWAY**

HEARING
BEFORE THE
**COMMITTEE ON
OVERSIGHT AND REFORM**
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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No additional documents were submitted during this hearing.

**VIOLATIONS OF THE HATCH ACT
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Friday, July 15, 2019

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND REFORM
Washington, D.C.

The committee met, pursuant to notice, at 4:10 p.m., in room 2154, Rayburn House Office Building, Hon. Elijah Cummings (chairman of the committee) presiding.

Present: Representatives Cummings, Maloney, Norton, Connolly, Krishnamoorthi, Raskin, Rouda, Hill, Welch, Kelly, DeSaulnier, Lawrence, Gomez, Ocasio-Cortez, Pressley, Tlaib, Jordan, Gosar, Massie, Meadows, Hice, Grothman, Comer, Norman, Roy, Miller, Green, Armstrong, Steube, and Keller.

Chairman CUMMINGS. The committee will come to order.

And, without objection, the chair is authorized to declare a recess of the committee at any time.

We are convening for part two of our full committee hearing on violations of the Hatch Act under the Trump administration to hear testimony from Ms. Kellyanne Conway.

I now recognize myself for five minutes to give an opening statement.

Today, the committee was scheduled to hear testimony from Ms. Kellyanne Conway, Counselor to the President, about her repeated violations of Federal laws.

This is the second time in three weeks our committee has attempted to obtain her testimony. We invited her to appear voluntarily at a hearing on June 26, but she refused. The committee then voted to authorize a subpoena to compel her to testify here today. In defiance of that subpoena, Ms. Conway is again refusing to appear.

Since Ms. Conway joined the White House in January 2017, she has repeatedly and flagrantly abused her position of trust.

In March 2017, the Office of Government Ethics recommended that the White House discipline Ms. Conway for using her official position to promote Ivanka Trump's private business during an interview on "Fox & Friends." Rather than holding Ms. Conway accountable, the White House minimized the seriousness of Ms. Conway's violation by claiming that it was made in a, quote, "light, offhand manner," end of quote.

In October 2017, the committee discovered that Ms. Conway wasted thousands of taxpayer dollars by traveling around the coun-

try on private jets with former Secretary of Health and Human Services Tom Price. Secretary Price paid the taxpayers back, and then he resigned. Ms. Conway refused to reimburse taxpayers and faced no disciplinary action at all from President Trump.

Most recently, on June the 13th, 2019, the independent Office of Special Counsel, which is led by Henry Kerner, who was appointed by President Trump, issued a report recommending that President Trump fire Ms. Conway for, quote, “persistent, notorious, and deliberate” violations of the Hatch Act.

The Hatch Act prohibits Federal employees from using their official positions for partisan political purposes. The law ensures that the Federal Government is administered in a nonpartisan manner and that Federal employees are protected from political coercion in the workplace.

Mr. Kerner testified before our committee for more than three hours about Ms. Conway’s violations of Federal law. He called them, quote, “clear, repeated, and knowing violations of the Hatch Act,” end of quote.

He also warned that since President Trump is not taking any disciplinary action against Ms. Conway, he sends a, quote, “false message” to other Federal employees that they need not abide by the Hatch Act or that senior officials are above the law.

Now, today, Ms. Conway is violating a duly authorized subpoena issued by this committee. Ms. Conway is required to be here today to address her multiple violations of Federal law, many of which occurred on national TV.

Why is she not here? Just 25 minutes ago, the White House sent a letter to the committee claiming that Ms. Conway is, quote, “absolutely immune,” end of quote, from having to testify before Congress simply because she works in the White House. That is a completely baseless claim.

Our committee has heard testimony from many White House officials under both Republican and Democratic administrations. Examples include multiple White House Counsels, the Deputy Counsel to the President, an Associate Counsel to the President, a Deputy Assistant to the President, and the Director of the White House Office of Security. This is a clear-cut case.

We are not requiring her to testify about advice she gave the President or about the White House’s policy decisions. Let me repeat that, members. We are not requiring her to testify about advice she gave the President or about the White House’s policy decisions.

We are requiring her to testify before Congress about her multiple violations of Federal law, her waste of taxpayer funds, and her actions that compromise public confidence in the integrity of the Federal Government. This illegal activity and the ongoing effort to cover it up must not be allowed to stand.

This is bigger than just the Hatch Act or any other law. This is about holding our government to the highest standard and not allowing individuals appointed by the President to be given special treatment when they flagrantly violate the law. I must add that we have over 2 million Federal employees who obey the Hatch Act every hour of their working day.

We hope Ms. Conway will reconsider, but if she does not, we will hold a business meeting on July 25 to hold her in contempt. I urge Ms. Conway to help us avoid this situation by agreeing to testify before the committee.

I might note that this hearing was noticed for 4 o'clock today, and it is now 4:27—4:18. It is now 4:18.

Our goal is to hear from Ms. Conway. If she does not change course, we have no choice but to hold her accountable.

With that, I yield to the distinguished ranking member, Mr. Jordan.

Mr. JORDAN. Mr. Chairman, today's hearing is politics, pure politics, orchestrated by a left-wing advocacy organization to silence one of the President's top advisors. CREW was founded by the Democrats' impeachment manager, Norm Eisen—that is right, the guy Jerry Nadler hired to run impeachment for the Judiciary Committee.

They targeted Ms. Conway not because it was looking to clean up the government; they targeted Ms. Conway because she is effective. She is effective at holding the press accountable, cutting through the noise to explain President Trump's successes and his vision for our country.

CREW knows that attacking a high-profile member of the President's team will get them headlines, help them raise money, cause the administration to spend time and resources responding.

CREW filed the complaint with the Office of Special Counsel, and the bureaucrats at OSC were more than happy to run with it.

The report produced about Kellyanne Conway outrageous and unprecedented. During the Obama Administration, OSC never made a recommendation to remove a White House employee from Federal service despite numerous—numerous Hatch Act violations.

And when OSC did flag this unprecedented recommendation for the White House, OSC only gave the White House 16 hours—that is right—just overnight, to respond.

The items OSC flagged as problematic are ridiculous. Ms. Conway said that Vice President Biden and Senator Bernie Sanders are two old, white career politicians. She said Senator Warren was lying about her ethnicity and appropriating somebody else's heritage. She suggested that Congressman O'Rourke does not think that women running are good enough to be President. And she said that Senator Bernie Sanders has ideas that are, quote, "terrible for America."

Frankly, I think a lot of Americans would agree with Ms. Conway's statements. But whether you agree or disagree with those statements, it does not change the fact that they are Ms. Conway's honest opinions and she has every right to share her opinions.

Democrats on this committee are more than happy to use the OSC report to attack Ms. Conway and, of course, the President. And this is just yet another example of the committee, as I said, being used for politics.

We had Special Counsel Henry Kerner testify for several hours, detailing every fact about his report. This hearing today is solely for the purpose of creating theater, political theater, and advancing your partisan narrative about the administration.

Mr. Chairman, you have said the administration is engaged in a cover-up from the top on all the investigations. What you failed to say, however, is this administration has produced over 110,000 pages of documents to this committee and made available all kinds of witnesses for transcribed interviews.

With the sort of rhetoric you have been using about the administration, do you really think Ms. Conway thought she would get a fair hearing here today? I don't think anyone is surprised that Ms. Conway decided to spend her afternoon doing her job on behalf of the American taxpayers rather than subjecting herself to a classic Washington political theater committee hearing.

And to what end? This effort does nothing to improve the lives of everyday Americans, does nothing to fix the crisis at the border, rein in the opioid epidemic, or bring down drug prices.

This committee is always strongest when we work together across party lines, but for the past six months the chairman and his Democrat colleagues have chosen instead to take political shots at the President.

Let's be clear: Ms. Conway's job is to advise the President and serve as a media surrogate to keep the American people apprised of the administration's views and action. This role is necessary politically and involves her answering questions about the state of politics in America. To suggest that in carrying out her duties she ran afoul of the law is an attack on her First Amendment liberties.

What we learned from Special Counsel Kerner two weeks ago is that he was upset that Ms. Conway did not stop everything she was doing, rearrange the way she does her job, and be subject to a bureaucratic gag order pursuant to his office's overly broad interpretation of the Hatch Act.

If we allowed the Hatch Act to be interpreted the way this OSC wants, it would have a chilling effect on executive branch employees that would silence both Republicans and Democrats for decades to come.

I know that my colleagues and I would be amenable to a discussion about legislation that would clarify the bounds of the Hatch Act. That actually was brought up in our hearing when we had Mr. Kerner here. But we are not amenable to this overly broad use to attempt to silence a senior Presidential advisor like we are witnessing this afternoon.

I yield back.

Chairman CUMMINGS. I am disappointed that Ms. Conway chose to defy the committee's duly authorized subpoena for her appearance.

And I want to thank my colleagues for coming here today.

I hope the White House will reconsider its position and cooperate with the committee.

The hearing is adjourned.

[Whereupon, at 4:22 p.m., the committee was adjourned.]