



U.S. OFFICE OF SPECIAL COUNSEL
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Washington, D.C. 20036-4505
202-804-7000

August 18, 2020

Dr. Steven Greer

VIA EMAIL (steve@thehcc.tv)

Re: OSC File No. HA-20-000049

Dear Dr. Greer:

This letter is in response to the complaint you filed with the U.S. Office of Special Counsel (OSC) alleging that Dr. William Boden, a Veterans Affairs (VA) employee, violated the Hatch Act when he sent several messages constituting political activity using his VA email account. As explained below, OSC has concluded that Dr. Boden violated the Hatch Act, but we are closing our file in this matter without further action.

The Hatch Act governs the political activity of federal executive branch employees, including VA employees.¹ The law prohibits employees from using their official authority or influence for the purpose of affecting the result of an election and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.² 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.³

The complaint alleged that on several occasions in 2018 and 2019 Dr. Boden sent from his VA email account, "william.boden@va.gov," disparaging messages about President Donald J. Trump. For example, on July 19, 2018, Dr. Boden wrote:

Typical alt-right garbage conspiracy theories that is [sic] peddled with Trumpsky's "fake news" rants and the tired, repetitious "no collusion with Russia" mantras. Maybe you both could volunteer for brain transplants - though DJT would likewise need both heart and soul transplants...

And on September 27, 2019, Dr. Boden wrote:

Speaking of treason, Trump leads the hit parade in using his presidency to curry favor with dictators like himself and has not [sic] sense of propriety or respect for the Constitution when he seeks to use Russia and Ukraine yet again to help him get re-elected. Trump supporters are the treasonous folks in this country who have run the US off the rails with conspiracy theories espoused my [sic] Trump's

¹ See 5 U.S.C. §§ 7321-7326.

² 5 U.S.C. §§ 7323(a)(1) and 7324(a). The Hatch Act also prohibits employees from: knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

³ 5 C.F.R. § 734.101.

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Fox network and other right wing conspiracists like Rush Limbaugh and the Breitbart folks.

OSC confirmed that Dr. Boden sent these emails while on duty and at work. After reviewing the communications, OSC has concluded that several emails sent by Dr. Boden constitute political activity, and he violated the Hatch Act when he sent them while on duty.⁴ However, because OSC has no evidence suggesting Dr. Boden has continued to engage in prohibited conduct, we are closing our file without further action. Please note that Dr. Boden has been warned that if in the future he engages in prohibited political activity, we will consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact Hatch Act Unit attorney Jacqueline Yarbrow at (202) 804-7139.

Sincerely,

A handwritten signature in black ink that reads "Erica S. Hamrick". The signature is written in a cursive style with a large initial "E".

Erica S. Hamrick
Deputy Chief
Hatch Act Unit

⁴ For Hatch Act purposes, President Trump became a candidate for reelection on March 5, 2018. *See Updated Guidance Regarding the Hatch Act and President Donald Trump Now That He Is Officially a Candidate for Reelection* (March 5, 2018), <https://osc.gov/pages/advisory-opinions.aspx>.