

**American Democracy Legal Fund**  
**455 Massachusetts Avenue, NW**  
**Washington, DC 20001**

November 2, 2018

Hon. John R. Ashcroft  
Missouri Secretary of State  
600 West Main Street  
Jefferson City, MO 65101

**Re: Complaint Against Missouri Attorney General Josh Hawley**

Dear Secretary Ashcroft,

In accordance with Mo. Ann. Stat. § 115.642, American Democracy Legal Fund (“ADLF”) respectfully requests that the Missouri Secretary of State’s Office commences an investigation against Missouri Attorney General Josh Hawley. Evidence strongly suggests that Hawley used public funds as Attorney General to support his candidacy for U.S. Senate, by instructing political consultants to direct state, taxpayer-paid staff to undertake tasks that would raise Hawley’s profile in his bid to represent Missouri in the U.S. Senate. This constitutes a misuse of public funds, in violation of Mo. Ann. Stat. § 115.646. Consequently, the Secretary of State should immediately investigate this violation and aid in the state’s prosecution of this offense.

**I. Factual Background**

Josh Hawley assumed office as the Attorney General of Missouri on January 9, 2017. Just six months and 24 days later, on August 2, 2017, Hawley formed an exploratory committee to run for U.S. Senate.<sup>1</sup> Two months after that, on October 10, 2017, Hawley officially declared his intent to run for the Republican nomination to represent Missouri in the U.S. Senate.<sup>2</sup>

On October 31, 2018, *The Kansas City Star* reported that political consultants outside of Missouri “gave direct guidance and tasks to [Hawley’s] taxpayer-funded staff, and followed up to ensure the tasks were completed . . . .”<sup>3</sup> These political consultants reportedly include Timmy Teepell, a Washington, D.C.-based partner at a consulting firm who advised Hawley’s campaign; and Gail Gitcho, a Republican political operative who has advised Hawley on communications.<sup>4</sup>

Emails obtained by *The Kansas City Star* demonstrate that consultants directed taxpayer-paid staff members of the Attorney General to undertake tasks intended to “shape the attorney general’s image and agenda for the year

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<sup>1</sup> See Simone Pathe, *Missouri’s Josh Hawley Forms Exploratory Committee for Senate Bid*, Roll Call (Aug. 2, 2017 6:05 PM), <https://www.rollcall.com/news/politics/missouri-josh-hawley-senate-bid>.

<sup>2</sup> See Jim Salter, *Missouri Republican Hawley Announces Run for Senate*, RealClearPolitics (Oct. 10, 2017), [https://www.realclearpolitics.com/articles/2017/10/10/missouri\\_republican\\_hawley\\_announces\\_run\\_for\\_senate\\_135223.html](https://www.realclearpolitics.com/articles/2017/10/10/missouri_republican_hawley_announces_run_for_senate_135223.html).

<sup>3</sup> Lindsay Wise, Jason Hancock, & Steve Vockrodt, *Out-of-state political consultants helped direct Josh Hawley’s Missouri AG office*, Kan. City Star (Oct. 31, 2018 3:51 PM), <https://www.kansascity.com/news/politics-government/election/article220870465.html>.

<sup>4</sup> See *id.*



ahead.”<sup>5</sup> Not only did the consultants communicate with staff members using private email addresses, but the consultants also reportedly met in-person with the staff members at Attorney General Hawley’s office.<sup>6</sup>

Among the agenda items reportedly discussed between consultants and taxpayer-paid staff was an effort by Hawley to initiate a lawsuit against opioid manufacturers,<sup>7</sup> which Hawley did in June 2017.<sup>8</sup> The lawsuit, which his political consultants went to lengths to publicize,<sup>9</sup> has become a major talking point of Hawley’s Senate campaign. For instance, Hawley’s campaign website states that he is “fighting the big opioid manufacturers,”<sup>10</sup> a talking point his political consultants and taxpayer-paid staff members worked to craft, per *The Kansas City Star*’s report.

## II. Legal Violation

Under Mo. Ann. Stat. § 115.646, “No contribution or expenditure of public funds shall be made directly by an officer, employee, or agent of any political subdivision to advocate, support, or oppose any . . . candidate for public office.” Public funds constitute “monies belonging to government or any department of it in the hands of public officials.”<sup>11</sup> The Attorney General of Missouri has opined that, to determine whether a contribution or expenditure of public funds “advocate[s], support[s], or oppose[s],” one should “look to such factors as the style, tenor and timing” of the contribution or expenditure.<sup>12</sup>

Here, the facts strongly indicate that Attorney General Josh Hawley used public funds to support his candidacy for the U.S. Senate, by instructing his political consultants to direct taxpayer-paid staff to undertake tasks that would raise Hawley’s profile in advance of his Senate run. As public records obtained by *The Kansas City Star* indicate, taxpayer-paid staff took directions from out-of-state political consultants and even met with consultants on government property, all under Hawley’s watch.<sup>13</sup> In an email to staff, consultant Gail Gitcho wrote, “It seems to me that going forward we should start compiling a punch list of what we need to do to roll out each of our agenda items this year . . . .”<sup>14</sup>

And Hawley’s staff reportedly undertook these tasks—on the taxpayer’s dime—in the name of crafting a public image and record that would aid in Hawley’s bid to represent Missouri in the U.S. Senate. In another email to taxpayer-paid staff, Gitcho reportedly wrote that she was “having lunch with [‘FOX News Sunday’ anchor]

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<sup>5</sup> *Id.*

<sup>6</sup> *See id.*

<sup>7</sup> *See id.*

<sup>8</sup> Press Release, Mo. Att’y Gen. Josh Hawley, *Missouri Attorney General Sues Opioid Manufacturers for Fraud* (Jun. 21, 2017 8:13 AM), <https://www.ago.mo.gov/home/news-archives/2017-news-archives/missouri-attorney-general-sues-opioid-manufacturers-for-fraud>.

<sup>9</sup> *See, e.g.*, Timmy Teepell (@TimmyTeepell), Twitter (Jun. 22, 2017) (“Great Fox piece on Hawley’s lawsuit”), <https://twitter.com/search?l=&q=from%3ATimmyTeepell%20since%3A2017-06-21%20until%3A2017-06-23&src=typd&lang=en>; Gail Gitcho (@ggitcho), Twitter (Jun. 21, 2017) (“More excellent work from @HawleyMO . . . .”), <https://twitter.com/ggitcho/status/877529148943589376>; Gail Gitcho (@ggitcho), Twitter (Jun. 21, 2017), <https://twitter.com/ggitcho/status/877531195172560896>.

<sup>10</sup> Josh Hawley for Senate, *About*, <https://joshhawley.com/about/> (last visited Nov. 1, 2018).

<sup>11</sup> Mo. Ethics Comm’n Advisory Op. No. 2003.07.105 (2003). *See also* Mo. Ethics Comm’n, Conflict of Interest for Elected & Public Officials 20 (revised Mar. 2013), available at [http://www.mec.mo.gov/WebDocs/PDF/Complaint/Conflict\\_of\\_Interest\\_03\\_2013-fullsize.pdf](http://www.mec.mo.gov/WebDocs/PDF/Complaint/Conflict_of_Interest_03_2013-fullsize.pdf).

<sup>12</sup> Mo. Att’y Gen. Advisory Op. No. 54-90 (Aug. 14, 1990), available at [https://ago.mo.gov/docs/default-source/opinions/1990/054\\_1990.pdf?sfvrsn=2](https://ago.mo.gov/docs/default-source/opinions/1990/054_1990.pdf?sfvrsn=2)

<sup>13</sup> *See* Wise et al., *supra* note 3.

<sup>14</sup> *Id.*

Chris Wallace . . . and was going to pitch [Hawley] as power player of the week.”<sup>15</sup> She then instructed the Attorney General’s staff, “[W]e should all get on the same page with that before I pitch him.”<sup>16</sup>

Under Hawley’s oversight and with his approval, political consultants appear to have used Missouri’s taxpayer-funded resources to construct a carefully-curated communications strategy that would puff up Hawley’s public image and prepare him for his Senate candidacy. And just months after this operation began, Hawley declared his candidacy for the U.S. Senate, relying on the very talking points these consultants reportedly worked with his taxpayer-paid staff to build.

Ultimately, Attorney General Josh Hawley’s use of taxpayer-paid staff to advocate and support his candidacy for U.S. Senate constitutes a misuse of public funds in violation of Mo. Ann. Stat. § 115.646.

### III. Conclusion

Upon declaring victory in the November 2016 general election to serve as Missouri’s Attorney General, Josh Hawley told his supporters, “To the political establishment in Jefferson City, those of you, consultants and the lobbyists and the professional political class who’ve gotten used to running our state: your day is over.”<sup>17</sup> Hawley suggested nobody is above the law. And, as Missouri’s chief law enforcement officer and advisor, neither is he.

Hawley reportedly instructed political consultants from outside of Missouri to direct state, taxpayer-paid staff members to help shape Hawley’s image for his next campaign—this time for U.S. Senate—which began less than a year after that Election Night speech, and less than seven months after he took office as Missouri Attorney General. Hawley’s conduct violates the trust that Missourians gave him to serve the public interest and enforce this state’s laws honorably. And most of all, Hawley’s conduct appears to demonstrate a misuse of public funds, in violation of Mo. Ann. Stat. § 115.646.

Therefore, in accordance with Mo. Ann. Stat. § 115.642, ADLF respectfully requests that the Secretary of State commence an investigation against Attorney General Josh Hawley and aids in the state’s prosecution of this offense.

Sincerely,



Brad Woodhouse

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<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Lindsey Argo, *With Win, AG-Elect Hawley Says Political Establishment’s Days are Numbered*, KSMU (Nov. 9, 2016), <http://www.ksmu.org/post/win-ag-elect-hawley-says-political-establishments-days-are-numbered#stream/0>.