



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

MAY - 8 1996

This refers to your recent letter asking if it would be a violation of the Hatch Act for you to take an extended leave of absence to work full-time as a volunteer in a partisan campaign. You also asked if you would be permitted to return to the active-duty rolls on occasion to present oral arguments or draft pleadings in some of your cases. You stated no fundraising would be involved in your volunteer efforts and that you are not a political appointee or an SES employee.

The Hatch Act Reform Amendments of 1993 (5 U.S.C. §§ 7321-7326) generally permit most federal employees and full time and part time employees of the U.S. Postal Service to actively participate in partisan political management and in partisan political campaigns. A covered employee may not be a candidate for a public elective office in a partisan election, i.e., an election in which any candidate represents, for example, the Republican or Democratic Party. Federal employees are also restricted from: using their official authority or influence to interfere with or affect the result of an election; knowingly soliciting, accepting or receiving a political contribution (except in certain limited circumstances); and soliciting or discouraging political activity of persons who have business before their agency. Employees are also prohibited from engaging in any political activity while: on duty; in a government office; wearing a government uniform or insignia; or using a government vehicle. Thus, the Act would not prohibit you from taking an extended leave of absence to volunteer in a partisan campaign. There would also be no violation of the Act if you occasionally returned to duty to perform specific tasks so long as you do not engage in any campaign activity during the hours you are on duty.

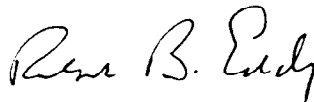
Finally, we understand that the Attorney General has issued a memorandum to all Department of Justice employees, dated October 11, 1994, discussing restrictions

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on political activities. If you have not already done so, you may wish to read that memorandum before you engage in any campaign activity.

For your information, I am enclosing our publication which summarizes the Hatch Act Amendments of 1993 as they pertain to federal and Postal Service employees. If you have any further questions, please call me at (202) 653-8944 or 1-800-854-2824.

Sincerely,

A handwritten signature in cursive script that reads "Ralph B. Eddy".

Ralph B. Eddy
Senior Trial Attorney