



Office of the Attorney General

Washington, D.C.

March 5, 2008

TO: ALL DEPARTMENT EMPLOYEES
FROM: THE ATTORNEY GENERAL
RE: ELECTION YEAR SENSITIVITIES

Department of Justice employees are entrusted with the authority to enforce the laws of the United States and with the responsibility to do so in a neutral and impartial manner. This is particularly important in an election year. Now that the election season is upon us, I want to remind you of the Department's existing policies with respect to political activities.

I. INVESTIGATION AND PROSECUTION OF ELECTION CRIMES

The Department of Justice has a strong interest in the prosecution of election fraud and other election-related crimes, such as those involving federal and state campaign finance laws, federal patronage laws, and corruption of the election process. As Department employees, however, we must be particularly sensitive to safeguarding the Department's reputation for fairness, neutrality and nonpartisanship.

Simply put, politics must play no role in the decisions of federal investigators or prosecutors regarding any investigations or criminal charges. Law enforcement officers and prosecutors may never select the timing of investigative steps or criminal charges for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party. Such a purpose is inconsistent with the Department's mission and with the Principles of Federal Prosecution.

If you are faced with a question regarding the timing of charges or overt investigative steps near the time of a primary or general election, please contact the Public Integrity Section of the Criminal Division for further guidance. Please remember also that consultation with the Public Integrity Section of the Criminal Division is required at various stages of all criminal matters that focus on violations of federal and state campaign-finance law, federal patronage crimes, and corruption of the election process. More detailed guidance is available in sections 1-4 and 9-85 of the United States Attorneys' Manual, which can be accessed on line at http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/.

II. HATCH ACT

As you are aware, the Hatch Act generally prohibits Department employees from engaging in partisan political activity while on duty, in a federal facility or using federal property. Please note that this prohibition includes using the internet at work for any political

activities. The Act also prohibits us from using our authority for the purpose of affecting election results; soliciting (or discouraging) political participation; soliciting, accepting or receiving political contributions; and generally from running as a candidate in a partisan election.

In addition to restrictions on what Department employees may and may not do while on duty, using government property, and in off-duty activities, certain employees are further restricted from engaging in certain political activity even while not on duty. The degree to which an employee is restricted in his or her off-duty activities depends on his or her position, *i.e.* career, further restricted, or noncareer appointee. Further restricted employees are members of the career SES, administrative law judges, employees of the Criminal Division, National Security Division and the Federal Bureau of Investigation, Criminal Investigators and Explosives Enforcement Officers of the Bureau of Alcohol, Tobacco and Firearms, and noncareer appointees in the Department. If you are unclear on these restrictions or the classification of your position, please consult with your component's designated ethics official about the limits of permissible activity *prior* to engaging in any political activity. You can also visit the Justice Management Division's Ethics page at www.usdoj.gov/jmd/ethics/politic.html for more detailed information.

It is critical that each one of us comply with this Act. For one, it contributes to maintaining a work environment free of political pressure and ensures the public retains its confidence that we are adhering to our responsibility to administer justice in a neutral manner. For another, violations of the Act carry strict penalties, including presumptive removal from federal service.

Thank you.