



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

MAR 20 1996

This letter is in response to your request for an advisory opinion concerning your status under the Hatch Act. According to your letter you are employed as an attorney with the Criminal Division of the Department of Justice. You state in your letter that you would like to volunteer to work for the Presidential campaign of a major party candidate.

The Hatch Act Reform Amendments of 1993 (5 U.S.C. §§ 7321-7326) generally permit most federal employees to actively participate in partisan political management and partisan political campaigns. However, employees of certain agencies or divisions within an agency including the Criminal Division of the Department of Justice are prohibited from taking any active part in partisan political management or partisan political campaigns. 5 U.S.C. § 7323(b)(2). Therefore, you are prohibited from engaging in any political activity which is "in concert" with a partisan group or candidate. Accordingly, in a partisan election you would be prohibited from answering telephone calls at campaign offices; making calls to primary states to solicit votes; writing speeches; doing research on political issues; making speeches as a surrogate for the candidate; knocking on doors to solicit votes; handing out political leaflets; and doing clerical office work at campaign offices. Assuming that your wife is not a covered federal employee she may host a fundraising event at your home. While you may attend the event, you may not participate in planning the fundraiser nor solicit contributions for it.

For your information I have enclosed a copy of the Hatch Act Regulations and two Supreme Court cases which address the constitutionality of the Act. Please call Karen Dalheim at (202) 653-7143 if you have any questions.

Sincerely,

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

Ralph B. Eddy
Senior Trial Attorney