



Office of the Attorney General

Washington, D.C.

August 4, 2008

MEMORANDUM FOR DEPARTMENT NON-CAREER EMPLOYEES

FROM: THE ATTORNEY GENERAL *[Signature]*

SUBJECT: RESTRICTIONS ON OFFICIAL AND POLITICAL EVENTS

On March 5, 2008, I sent a memorandum to all Department of Justice employees reminding them of certain election year considerations, including Hatch Act restrictions and sensitivities related to the investigation and prosecution of election-related crimes.¹ This memorandum sets forth additional limitations on official events and further restricts attendance at political events.²

An official event is one that a Department employee attends in his or her official capacity, and includes such events as a speech, grant announcement, or appearance with a candidate for a partisan office, as defined by the Hatch Act. Given the upcoming federal elections, Department employees must be vigilant to prevent the appearance that any of our official duties are an effort to influence the outcome of an election. In determining whether an appearance could be construed as inappropriately partisan, please consider, among other factors, the identity of the sponsor of an event, the group being addressed, the other participants, the timing of the event, and the subject of any speech to be given. If there is any doubt about whether an appearance may be inappropriate, please consult with David Margolis, Associate Deputy Attorney General, or the Principal Deputy Associate Attorney General (currently Carl Nichols).

In general, I make an effort not to make any public appearances in any state within 30 days of a primary or general election within that state. I urge all Presidentially-appointed officials or those acting in such positions, to adopt a similar practice to the greatest extent practicable. This memorandum, however, is not meant to restrict the normal, day-to-day activities of political appointees. For example, United States Attorneys may still make public appearances related to a verdict, indictment, or investigation, and should still meet with the Department's law enforcement partners as they normally would.

As you know, the Department's policy prohibits non-career appointees from attending partisan political events, e.g., fundraisers and campaign events, in their official capacity. Department policy permits non-career appointees to attend such events in their personal capacity if their participation in the event is passive and they obtain approval prior to attending the event.

¹ The memorandum is available at <<http://10.173.2.12/jmd/ethics/hatch-act-materials.php>>.

² This memorandum, in conjunction with my March 5, 2008 memorandum, supplements the August 8, 2000 memorandum issued by Attorney General Reno regarding "Restrictions on Political Activities," available at <<http://www.usdoj.gov/jmd/ethics/docs/agpolactpol.html>>.

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In this Presidential election year, I have determined that approval will not be given for attendance at a political event not open to the general public during the period beginning with the first of the two national party conventions, August 25, 2008, through the general election on November 4, 2008. The only exceptions are if a non-career appointee has a close family member who is running for partisan office, or a similar exceptional situation. In these circumstances, approval must be sought from David Margolis, Associate Deputy Attorney General, or the Principal Deputy Associate Attorney General (currently Carl Nichols). During this period, non-career appointees may continue to seek approval to attend events that are open to the general public, such as a speech by a candidate for public office, as long as their attendance is passive. Non-career appointees may attend events on the evening of November 4, Election Day, without prior approval.

Thank you.