DEPUTY SECRETARY OF DEFENSE
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24 AUG 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Political Appointees' Participation in a Presidential Nominating Convention

Under the Hatch Act and long-standing policy, civilian employees of the Department of Defense (DoD) are subject to certain rules that limit their participation in political activities. Additional restrictions apply to non-career members of the Senior Executive Service (SES) and to officials appointed by the President with the advice and consent of the Senate (PAS). Guidance on the matter was issued on January 21, 2004 and is attached.[1]

The present memorandum reiterates guidance concerning participation in a Presidential nominating convention. It also establishes a new requirement for those political appointees who are permitted to attend and wish to do so.

Schedule C employees may attend and participate in a convention and may serve as delegates or as members of a standing committee. These employees must keep in mind, however, that restrictions on political activities still apply to them. So, for example, they may not participate while on duty (except when their official duties require it), and they may not solicit or receive political contributions.

Non-career SES officials may attend a convention solely as spectators, but they must keep in mind that substantial restrictions on political activities still apply to them. So, for example, they may not attend in their official capacity, may not hold formal positions at a convention, may not serve as members of a standing committee, and may not give an address.

[1] Members of the armed services remain subject to different rules, published in DoD Directive 1344.10.

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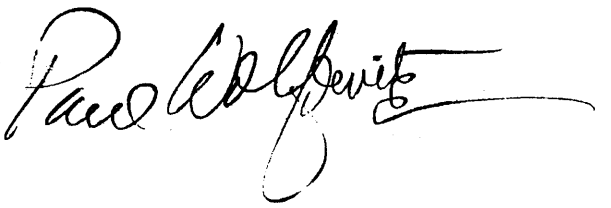
Additionally, they may not accept gifts (such as free lodging, transportation, or other benefits) from political parties or partisan groups in connection with their attendance.

PAS officials are subject to the most stringent restriction—they may not attend a convention.

Non-PAS political appointees, while permitted to attend a convention subject to the restrictions outlined above, must have my approval or that of Mr. Paul Butler, Special Assistant to the Secretary of Defense, in order to do so. Those appointees who receive such approval must use vacation or compensatory time (except when their official duties require that they attend), or they may take up to five days of leave without pay. As with all leave requests, however, supervisors must ensure that sufficient personnel will be available to accomplish the work of government before approving convention-related leave.

Finally, during a convention, local groups, community organizations, and businesses may ask Government employees to engage in non-convention activities held in the convention area. Although some of these activities might meet the standard for an official event, they generally should be considered political for the purpose of using appropriated funds. So, for example, political appointees should generally avoid traveling at Government expense during a convention period in connection with official events. (This policy does not extend those appointees who may need to travel to New York City in connection with convention-related security matters).

Appointees with any questions concerning the contents of this memorandum should consult the Office of the Deputy General Counsel (Legal Counsel) of the Department of Defense at (703) 695-6710. Request maximum dissemination.



Attachment:
As stated