



U.S. OFFICE OF SPECIAL COUNSEL

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Washington, D.C. 20036-4505  
202-254-3600

December 17, 2008

*Texan@xpatriatedtexan.com*

Re: OSC File No. HA-08-3070

This letter is in response to information you provided the Office of Special Counsel (OSC) concerning allegations that Mr. Christopher Christie violated the Hatch Act by being a candidate in the partisan election for Governor of New Jersey while employed as the United States Attorney for the District of New Jersey. We understand that Mr. Christie is no longer a federal employee. As explained below, we will not be conducting an investigation into these allegations and will make no conclusion as to their merits.

The Hatch Act (5 U.S.C. §§ 7321-7326) governs the political activity of federal civilian executive branch employees. The Act permits most covered employees to actively participate in partisan political management and partisan political campaigns. However, an employee covered by the Act may not, among other things, be a candidate for public office in a partisan election, i.e., an election in which any candidate represents, for example, the Republican or Democratic Party.

The Hatch Act's prohibition against candidacy "extends not merely to the formal announcement of candidacy but also to the preliminaries leading to such announcement and to canvassing or soliciting support or doing or permitting to be done any act in furtherance of candidacy." 86 Cong. Rec. 2938-2940 (September 1939), quoting, Civil Service Commission Form 1236 "Political Activity and Assessments" (explanation by Senator Hatch of Hatch Act Prohibitions). Because the statute has been interpreted to prohibit preliminary activities regarding candidacy, any action which can reasonably be construed as evidence that the individual is seeking support for or undertaking an initial "campaign" to secure nomination or election to office would be viewed as candidacy for purposes of the Act. The following are examples of preliminary activities directed toward candidacy that would violate the Hatch Act: taking the action necessary under the law of a state to qualify for nomination for election; soliciting or receiving contributions or making expenditures; giving consent to or acquiescing in such activity by others on the employee's behalf; meeting with individuals to plan the logistics and strategy of a campaign; circulating nominating petitions; or holding a press conference concerning one's candidacy.

It was alleged that Mr. Christie engaged in these preliminary activities regarding a candidacy for Governor of New Jersey while still employed as a United States Attorney.

Allegations such as those described above ordinarily would trigger an investigation by OSC and, if the facts warranted, a recommendation to the President of the United States for

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disciplinary action.<sup>1</sup> However, because Mr. Christie is no longer a federal employee, OSC would be unable to obtain meaningful disciplinary action against him, even if our investigation were to substantiate the allegations described above. Consequently, we have decided not to inquire further into those allegations and have closed our file in this matter. If you have any questions or wish to discuss this matter further, please contact me at (202) 254-3650.

Sincerely,

A handwritten signature in black ink, appearing to read "Erica S. Hamrick". The signature is fluid and cursive, with the first name "Erica" being the most prominent.

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

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<sup>1</sup> Pursuant to 5 U.S.C. § 1215(b) OSC shall present to the President for appropriate action information concerning Hatch Act violations by employees in confidential, policy-making, policy-determining, or policy-advocating positions appointed by the President, by and with the advice and consent of the Senate.