

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA)
document clearinghouse in the world. The research efforts here are
responsible for the declassification of hundreds of thousands of pages
released by the U.S. Government & Military.

Discover the Truth at: **<http://www.theblackvault.com>**



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 85304A
27 September 2016

JOHN GREENEWALD
[REDACTED]

Dear Mr. Greenewald:

This responds to your Freedom of Information Act (FOIA) request of 22 August 2016 for "Copy of the Intellipedia entry (from all three Wikis that make up the Intellipedia) for the following entry(s) (Or whatever similar topic may pertain if it is slightly worded differently): THE HATCH ACT and/or HATCH ACT and/or HATCH ACT OF 1939 and the search results page." As stated in our initial response letter, dated 24 August 2016, your request was assigned Case Number 85304. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. As such, you are allowed 2 hours of search and the duplication of 100 pages at no cost. There are no assessable fees for this request. A copy of your request is enclosed. Your request has been processed under the FOIA.

For your information, NSA provides a service of common concern for the Intelligence Community (IC) by serving as the executive agent for Intelink. As such, NSA provides technical services that enable users to access and share information with peers and stakeholders across the IC and DoD. Intellipedia pages are living documents that may be originated by any user organization, and any user organization may contribute to or edit pages after their origination. Intellipedia pages should not be considered the final, coordinated position of the IC on any particular subject. The views and opinions of authors do not necessarily state or reflect those of the U.S. Government.

Regarding your request for a copy of the search results pages, please be advised that the FOIA mandates that an agency conduct a reasonable search to locate records responsive to a FOIA request. For this portion of your request, search results pages did not exist at the time the agency conducted a search to locate documents responsive to your FOIA request. Accordingly, there are no records that are responsive to this portion of your request.

We conducted a search of all three levels of Intellipedia for the requested topics, and located two documents that are responsive to your request. The documents are enclosed. Certain information, however, has been deleted from the enclosures.

This Agency is authorized by statute to protect certain information concerning its activities (in this case, internal URLs) as well as the names of its employees. Such

information is exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statute applicable in this case is Section 6, Public Law 86-36 (50 U.S. Code 3605). We have determined that such information exists in this record, and we have excised it accordingly.

In addition, personal information regarding individuals has been deleted from the enclosures in accordance with 5 U.S.C. 552 (b)(6). This exemption protects from disclosure information that would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption

Since these deletions may be construed as a partial denial of your request, you are hereby advised of this Agency's appeal procedures. You may appeal this decision. If you decide to appeal, you should do so in the manner outlined below.

- The appeal must be in writing and addressed to:

NSA/CSS FOIA/PA Appeal Authority (P132),
National Security Agency
9800 Savage Road STE 6932
Fort George G. Meade, MD 20755-6932

- It must be postmarked no later than 90 calendar days of the date of this letter.
- Please include the case number provided above.
- Please describe with sufficient detail why you believe the denial of the requested information was unwarranted.
- NSA will endeavor to respond within 20 working days of receiving your appeal, absent any unusual circumstances.

Sincerely,

Paul H
for

JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority

Encls:
a/s

From: donotreply@nsa.gov
Sent: Monday, August 22, 2016 10:16 PM
To: donotreply@nsa.gov
Subject: FOIA Request (Web form submission)

Title: Mr.

Full Name: John Greenewald

email: john@greenewald.com

Company: The Black Vault

Postal Address: [REDACTED]

Postal City: [REDACTED]

Postal State-prov: [REDACTED]

Zip Code: [REDACTED]

Country: United States of America

Home Phone: [REDACTED]

Work Phone: [REDACTED]

Records Requested: To whom it may concern,

This is a non-commercial request made under the provisions of the Freedom of Information Act 5 U.S.C. S 552. My FOIA requester status as a "representative of the news media" however due to your agency's denial of this status, I hereby submit this request as an "All other" requester.

I prefer electronic delivery of the requested material either via email to john@greenewald.com or via CD-ROM or DVD via postal mail. Please contact me should this FOIA request should incur a charge.

I respectfully request a copy of the Intellipedia entry (from all three Wikis that make up the Intellipedia) for the following entry(s) (Or whatever similar topic may pertain if it is slightly worded differently):

THE HATCH ACT

and/or

HATCH ACT

and/or

HATCH ACT OF 1939

I also ask that you include a copy of the search results page, when inserting the above words / phrases into the Intellipedia search engine.

Thank you so much for your time, and I am very much looking forward to your response.

Sincerely,

John Greenewald, Jr.

[REDACTED]
[REDACTED]

(U) Hatch Act of 1939

UNCLASSIFIED

From Intellipedia
(Redirected from Hatch Act)
You have new messages (last change).

The **Hatch Act of 1939** determines and sets in law what Federal Officials can and cannot do with respect to election activities and partisan politics. See the OSC's library on the Internet for more information.

Statutes: The bulk of the Hatch Act is codified at 5 U.S.C. §§7321-7326, covering Federal employees. State and local employees are addressed at 5 U.S.C. §§ 1501-1508. The Hatch Act is made applicable for Head Start programs at 42 U.S.C. § 9851(a) and for organizations receiving Community Service Block Grants at 42 U.S.C. 9918(b).^[1]

Regulations: Hatch Act regulations are codified at 5 CFR §§ 733-734.^[1]

Related

- Watch the 51 minute video form OSC on iVideo instead of downloading the massive file from the OSC site.

External links

- "Social Media and the Hatch Act" (DoD)

References

1. ↑ 1.0 1.1 LexisNexis InfoPro > Zimmerman's Research Guide > Hatch Act of 1933

Retrieved from [redacted]

(b) (3) - P.L. 86-36

Categories: Acts of Congress | Title 5 | Title 42 | Law

UNCLASSIFIED

- This page has been accessed 666 times.
- 1 watching user
- This page was last modified 17:23, 16 January 2013 by [redacted]

Most recent editors: [redacted]

(b) (6)

linipedweb60

Approved for Release by NSA on 09-27-2016. FOIA Case # 85304

(b) (3) - P.L. 86-36

8/24/2016

(U) Hatch Act of 1939

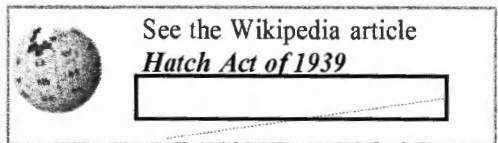


UNCLASSIFIED

From Intellipedia

(Redirected from Hatch Act)

You have new messages (last change).



(b) (3) - P.L. 86-36



(U) Violations of the Hatch Act, even if unintentional, can result in severe penalties, including termination of employment



(U) All readers are reminded that Intellipedia is a living space documenting the Community's understanding of the issue at hand and can NEVER serve as formal "legal advice", which you must obtain from a local lawyer or OGC.

(U) The **Hatch Act of 1939** is a United States federal law whose main provision is to prohibit federal employees (civil servants) from engaging in partisan political activity. Named after Senator Carl Hatch of New Mexico, the law was officially known as **An Act to Prevent Pernicious Political Activities**.

(U) The act precluded federal employees from membership in "any political organization which advocates the overthrow of our constitutional form of government." During the Second Red Scare, this designation was interpreted to include communist and labor organizations.

(b) (3) - P.L. 86-36

(U) iVideo hosts a copy of the iVideo link



All IC officers are encouraged to view this video.

Contents

- 1 (U) History/Context/Recent Activity
- 2 (U) Hatch Act and Social Media
- 3 (U) Rules of the Act
 - 3.1 (U) Less Restricted Employees
 - 3.2 (U) Further Restricted Employees
 - 3.2.1 (U) Further Restricted Employees – Political Restrictions
- 4 (U) Extension to state and local workers
- 5 (U) Application to Contractors
- 6 (U) Social Networking and the Hatch Act

- 7 (U) CIA Guidelines
 - 7.1 (U) Frequently Asked Questions
- 8 (U) Intellipedia Template
- 9 (U) References
- 10 (U) External Links
 - 10.1 Intelink Blogs
 - 10.2 CIALink

(U) History/Context/Recent Activity

Main article: History of the Hatch Act

(U) The Hatch Act grew into a general tradition of electoral reform. In essence, it finally did away with the last vestiges of patronage, and one could say it was the end of the civil service reforms started in the 1880s. But the most significant impetus, affecting both its timing and its content, was the widespread allegation that Works Progress Administration (WPA) funds had been misused by staff members and local Democratic Party politicians during the congressional elections of 1938.

(U) Hatch Act and Social Media

(U) The world of social media (Facebook, Twitter, etc) continues to evolve rapidly. Your organization has likely promulgated specific guidance on what is permissible and what is not with regard to the Hatch Act and your use of social media. If you use social media in your personal life, you should seek out and understand any such guidance from your organization.

(b) (3) - P.L. 86-36

(U) In April 2012, the U.S. Office of Special Counsel released the following Frequently Asked Questions Regarding Social Media and the Hatch Act [REDACTED]

[REDACTED] This advisory supersedes the social media advisory that was previously published on August 10, 2010, and contains revised responses concerning further restricted employees' use of social media while maintaining compliance with the Hatch Act (see Questions 2, 3 and 5)^[1]

(U) Rules of the Act

(U) Less Restricted Employees

(U) Below are the primary guidelines that most active Federal employees need to follow when working or volunteering on a political campaign for federal office. This list is not all-inclusive, and questions regarding the legality of the application of any event or policy should be properly researched or investigated beforehand. This list does not encompass all that is or is not allowed per the regulation, and none are allowed on a government system, or at a government workplace.

(U) Active Federal employees may:

- Be a candidate in a political election in which no candidates represent a political party

DOCID: 4321847

(b) (3) - P.L. 86-36

- Register and vote as they choose
- Assist in Voter Registration Drives
- Express opinions about candidates and issues (but not on a government system or network)
- Attend fundraisers and contribute money to political organizations and campaigns
- Volunteer on a campaign
- Recruit volunteers for a political campaign
- Participate in activities such as phone banking and precinct walking
- Display bumper stickers, lawn signs, and other campaign paraphernalia
- Raise money for their union's political action committee from other union members
- Run for nonpartisan offices (that is, parties are not listed on the ballot)
- Volunteer, run for, and hold an office in a local or state political party

(U) Active Federal employees may not:

- Be a candidate in a political election in which any candidate represents a political party
- Raise money for a partisan political campaign
- Allow their names to be used in any fundraising appeal on behalf of a partisan political campaign
- Participate in a phone bank that is engaged in fundraising for a partisan campaign
- Raise money for their union's political action committee from persons other than their fellow union members

(U) Political Discussions in Blogs, E-Mail and other Electronic Media

- (U) Employees may not use work e-mail to send messages to a high number of people with whom they have a minimal relationship for encouraging recipients to support or oppose a candidate, political party or partisan group, **but they may use work e-mail to discuss political subjects in a manner similar to "water-cooler" conversations.**^[2]

(U) Further Restricted Employees

(U) Certain federal executive branch employees are prohibited from engaging in partisan political management or partisan political campaigns; hence, these employees are Further Restricted under the Hatch Act. Generally, Further Restricted employees consist of employees in intelligence and enforcement-type agencies (except employees appointed by the President, by and with the advice and consent of the Senate). More specifically, Further Restricted employees include employees from the following agencies (or components) or in the following positions:^[3]

- Federal Election Commission;
- Election Assistance Commission;
- Federal Bureau of Investigation;
- Secret Service;
- Central Intelligence Agency;
- National Security Council;
- National Security Agency;
- Defense Intelligence Agency;
- Merit Systems Protection Board;

DOCID: 4321847

(b) (3) - P.L. 86-36

- Office of Special Counsel;
- Office of Criminal Investigation of the Internal Revenue Service;
- Office of Investigative Programs of the United States Customs Service;
- Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms;
- National Geospatial-Intelligence Agency;
- Office of the Director of National Intelligence;
- Criminal Division of the Department of Justice;
- National Security Division of the Department of Justice; as well as
- Persons employed in positions described under Sections 3132(a)(4), 5372, 5372 (a), or 5372(b) of

Title 5, United States Code, including:

- Senior Executive Service [career positions described at 5 U.S.C. § 3132 (a)(4)]
- Administrative Law Judges [positions described at 5 U.S.C. § 5372]
- Contract Appeals Board Members [positions described at 5 U.S.C. § 5372 (a)]
- Administrative Appeals Judges [positions described at 5 U.S.C. § 5372(b)]

(U) Further Restricted Employees – Political Restrictions

Further Restricted federal employees may not –

- use official authority or influence for the purpose of interfering with or affecting the result of an election;
- knowingly solicit, accept, or receive a political contribution from any person (may be done in certain limited situations by federal labor or other employee organizations);
- be a candidate for nomination or election to a partisan political office;
- knowingly solicit or discourage the participation in any political activity of anyone who has business pending before their employing agency; or
- engage in political activity, while
 - on duty;
 - in a government office;
 - wearing an official uniform; or
 - using a government vehicle.

(U) These employees are also prohibited from engaging in partisan political management or partisan political campaigns. Specifically, they may not engage in political activity in concert with a candidate for partisan political office, a political party or a partisan political group.

(U) Further Restricted federal employees may not, for example:

- campaign for or against a candidate or slate of candidates in partisan elections
- make campaign speeches
- collect contributions or sell tickets to political fund raising functions
- distribute campaign material in partisan elections
- organize or manage political rallies or meetings
- hold office in political clubs or parties
- circulate nominating petitions
- work to register voters for partisan voter registration drives
- host a political fundraiser

DOCID: 4321847

(b) (3) - P.L. 86-36

- invite anyone to a political fundraiser
- accept or receive a donation or contribution for a partisan political party, candidate for partisan political office, or partisan political group
- use an official title or position while engaged in political activity
- supervisory employees may not invite subordinate employees to political events or otherwise suggest to the subordinate that he or she attend the political event or undertake any partisan political activity

(U) Additionally, while on duty and/or in any federal room or building, Further Restricted federal employees may not, for example:

- wear partisan political buttons, t-shirts or other items
- make political contributions to a partisan political party, candidate for partisan political office, or partisan political group
- post a comment to a blog that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group
- use any e-mail account to distribute, send or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group

(U) Further Restricted federal employees may, for example:

- register and vote as they choose
- assist in nonpartisan voter registration drives
- express opinions about candidates and issues
- participate in campaigns where none of the candidates represent a political party
- contribute money to political organizations or attend political fundraising functions
- attend political rallies and meetings
- join political clubs or parties
- sign nominating petitions
- campaign for or against referendum questions, constitutional amendments, municipal ordinances
- be a candidate for nomination or election to a public office in a nonpartisan election

(U) Extension to state and local workers

(U) The Hatch Act also applies by extension to certain employees of state and local governments whose positions are primarily paid for by federal funds. It has been interpreted, for instance, to bar employees of state agencies administering federal unemployment insurance programs from political activity.

(U) Application to Contractors

(U) While the Hatch Act does not forbid political activity by contractors, political campaigning is prohibited on government property by anybody – including contractors.^[4]

(U) Social Networking and the Hatch Act

(b) (3) - P.L. 86-36

(U) As social networks are rapidly evolving, understanding how the Hatch Act applies to this domain is still limited. CIA provided guidance on Facebook [redacted] to its employees in June of 2010 stating that it is a violation of the Hatch Act for a CIA employee to friend a

DOCID: 4321847

(b) (3) - P.L. 86-36

candidate's campaign saying:

If an employee becomes a friend of a candidate's campaign on Facebook, the employee's page would then include a link to that campaign page, which others could use to get information from that campaign. And the Office of Special Counsel – the executive branch office with responsibility to administer the Hatch Act – views such an activity as taking an active part in the candidate's campaign in violation of the Hatch Act because it is not only an endorsement of the candidate done in concert with his/her campaign, but also akin to circulating the candidate's literature.

(b) (3) - P.L. 86-36

(U) Frequently Asked Questions Regarding Social Media and the Hatch Act

Updated guidance to the Hatch Act on social media and online use written in April 2012 by the US Office of Special Counsel

(U) CIA Guidelines

(U) The Hatch Act places certain restrictions on the partisan political activities of all executive branch employees. Agency employees—along with the other agencies listed as "Further Restricted" above—are among a smaller subset of federal employees subject to particularly strict limitations on their partisan political participation.

(U) Like other federal employees, Agency employees may vote, express personal opinions about candidates, contribute money to political campaigns and parties, and attend political rallies. However, they are still barred from actively participating in partisan political campaigns or political management—even though restrictions on the political activities of some federal employees in other agencies were relaxed by the Federal Employees Political Activities Act of 1993, which amended the Hatch Act. The term "political management" includes any activities that involve the direction or supervision of a political group or campaign.

(U) *Prohibited activities include, but are not limited to:*

- campaigning for or against a candidate in a partisan election
- participating in political fundraising
- organizing political rallies, and
- performing volunteer work for a partisan campaign.

(b) (3) - P.L. 86-36

(U) Agency Regulation 13-2 provides additional examples of the types of activities that are prohibited by the Hatch Act. *Violations of the Hatch Act, even if unintentional, can result in severe penalties, including termination of employment.*^[5]

(U) Frequently Asked Questions

- (U) *May I make a private donation to a political party or campaign?* Yes.^[6]
- (U) *May I serve as an "election officer"?* Agency employees may accept appointments to serve as election officers if such positions are not partisan positions. However, Agency employees may not work as checkers, watchers, or other positions on behalf of partisan candidates or political parties.^[6]
- (U) *May I serve as a delegate to a political party convention?* No. An Agency employee may not serve

DOCID: 4321847

(b) (3) - P.L. 86-36

as a delegate, alternate or proxy to a political party convention.^[6]

- (U) *May I run for office as an independent candidate?* An Agency employee may run for office as an independent candidate in a non-partisan election. A non-partisan election is one in which none of the candidates represent a political party. As an independent candidate, you may not advertise or solicit the endorsement of a political party or use the resources of a political party to further your campaign. In certain designated municipalities, Agency employees are permitted to run as independent candidates in partisan elections.^[6]
- (U) *Can I stuff envelopes or distribute fliers in support of a partisan political fundraiser or campaign?* No. An Agency employee may not engage in any political activity that is "in concert" with a partisan group or candidate, regardless of whether it is "behind-the-scenes." Accordingly, an Agency employee may not answer telephone calls at campaign offices, write speeches or research political issues on behalf of a candidate, hand out political leaflets, or engage in any other similar activities.^[6]

(U) Intellipedia Template

(U) When creating or editing a page that could potentially violate the Hatch Act, please use the following banner by placing the Template:Hatch Act template on the page: `{{Hatch Act}}`



Please review the **Hatch Act** before editing this page. Please ensure your contributions and this article remain consistent with the Hatch Act restrictions.

(U) References

1. ↑ <http://www.osc.gov/documents/hatchact/federal/Social%20Media%20and%20the%20Hatch%20Act%202012.pdf> , April 4, 2012, U.S. Office of Special Counsel
2. ↑ [redacted] (b) (3) - P.L. 86-36
3. ↑ Office of Special Council Web Site
4. ↑ NROnline, 8/8/2008 [redacted], (b) (6) NROnline interviews [redacted], NRO Assistant General Counsel
5. ↑ Hatch Act and Political Activities from CIA/OGC [redacted], pulled 11/29/07
6. ↑ 6.0 6.1 6.2 6.3 6.4 Hatch Act and Political Activities [redacted], CIA Office of General Counsel (OGC) website, accessed March 4, 2008

(U) External Links

- (U) ~~Frequently Asked Questions Regarding Social Media and the Hatch Act~~

DOCID: 4321847

(b)(3)-P.L. 86-36

[redacted], U.S. Office of Special Counsel, August 10, 2010 -- superseded by the April 2012 Frequently Asked Questions Regarding Social Media and the Hatch Act [redacted]

[redacted] Info
[redacted] from the U.S. Office of Special Counsel

- (U) The Hatch Act Meets the Digital Age [redacted]

[redacted] Info
[redacted], Washington Post, October 19, 2007

- (U) Political Activity and the Federal Employee [redacted]

[redacted] Info
[redacted], U.S. Office of Special Counsel, www.osc.gov, Rev. December 2005

- (U) Political Activities and the DIA Employee [redacted]

- (U) DoDD 1344.10, Political Activities by Members of the Armed Forces [redacted] Info, February 19, 2008

Intelink Blogs

(b)(3)-P.L. 86-36

- (U) Hatch Act Reinterpreted (Again) [redacted] W, The Dusty Book, August 11, 2010
- (U) The Hatch Act and Facebook [redacted] W, Stanton's Crossroads, June 1, 2010
- (U) The Hatch Act: Wear a Button, Break the Law [redacted] W, Stanton's Crossroads, March 5, 2008
- (U) The Colbert Nation and the Hatch Act [redacted] W, The Nexus, October 19, 2007
- (U) Thoughts on Political Blogs [redacted] W, originally posted to Social Software Vanguard, later moved to Intellipedia Community Discussion, August 1, 2007





CIALink


(b)(3)-P.L. 86-36

- (U) The Hatch Act in the Internet Age [redacted] 5) D, CIA What's News, 08/07/2008 -- several examples of the kind of activity that will get you in trouble.
- (U) NASA Employee Gets Six Months with No Salary [redacted] F) D, CIA What's News, April 29, 2008
- (U) The Hatch Act: Wear a Button, Break the Law [redacted] D, CIA What's News, March 4, 2008
- (U) Hatch Act and Political Activities [redacted] D, CIA Office of General Counsel (OGC) website
- (U) Hatch Act Training Video [redacted]






DOCID: 4321847

 (b) (3) - P.L. 86-36
CIA Office of General Counsel, January 30, 2008 (58 mins)

- (U) Quiz: Are you Hatch Act Savvy?  
- (U) Agency Regulation AR 13-2 CONFLICTS OF INTEREST, LACK OF IMPARTIALITY, GIFTS, HONORARIA, MISUSE OF POSITION, POST-EMPLOYMENT RESTRICTIONS, AND POLITICAL ACTIVITIES   - 01/28/2008

Retrieved from 
Category: Law of the United States

UNCLASSIFIED

- This page has been accessed 4,739 times.
- 10  (b) (3) - P.L. 86-36
 watching users
- This page was last modified 17:01, 27 October 2015 by 
Most recent editors:  and  and others.

(b) (6)

c2linipedweb2j

Use of this U.S. Government system, authorized or unauthorized, constitutes consent to monitoring of this system. Unauthorized use may subject you to criminal prosecution.

Evidence of unauthorized use collected during monitoring may be used for administrative, criminal, or other adverse actions.

This page contains dynamic content-- Highest Possible Classification is **TOP SECRET//SI//TK//NOFORN**