



Advocacy and the Federal Employee: Can a Government Employee Participate in Congressional Visits Day?

Congressional Visits Day (CVD) is the first step in effective advocacy for AIAA. The reason why this program has been so successful is based on its difference from the approach so many other organizations take with member fly in programs. Rather than lobbying on specific projects, AIAA encourages our members to use this event as an opportunity to build relationships with policymakers and their staff, and to offer their experience and expertise as a resource on very technical aspects of programs affected by national policies. The event is defined by the rapport that is developed and fostered through these meetings. Through those relationships, AIAA and its members are able to effect policy decisions that impact the profession and the industry it supports.

Government employees may be uncertain of their right to participate in CVD, and communicate with members of Congress. It is well-established canon of constitutional law that an individual does not relinquish his rights of assembly and petition upon the acceptance of public employment, and all public employees enjoy the same constitutional rights of free assembly and petition as do other citizens of the United States. In other words, you can vote for them, you can write to them, and you can speak to them – as long as you are acting as a private citizen and not in an official capacity.

Congress has enacted this right in 5 U.S. Code, Subsection 7211, which states:

“The right of [federal] employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.”

A public employee cannot be barred or removed from public employment arbitrarily in disregard of his or her Constitutional rights, nor can he or she be penalized because of his or her exercise of those rights. Accordingly, disciplinary action against a public employee is improper where such action violates his constitutional right of assembly.

Federal employees often cite the Hatch Act of 1939, which restricts the political activities of government officers and employees, but it may not be used to deny federal employees freedom of peaceable assembly or other freedoms under the First Amendment. As long as an employee is not representing his or herself in any official capacity, they remain within their rights to voice their opinions and knowledge on policy issues, as long as they are doing so on their own time.

If you have concerns or need further information, you may contact the Office of Government Ethics at 202.482.9300 or visit their website at <http://www.usoge.gov>. You may also contact Steve Sidorek at AIAA headquarters at 703.264.7541, or via email at steves@aiaa.org.