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*Personnel
Civil Service*

10/2/74

To: Ron Nessen

From: Phil Buchen





CHAIRMAN

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D. C. 20415

SEP 27 1974

MEMORANDUM FOR: Honorable Philip W. Buchen
Counsel to the President

In view of inquiries being made to the White House by a reporter from the St. Louis Post-Dispatch regarding job referrals made by President Ford (when he was a member of the House) and others, I thought the attached statement might be of interest to you.

It was issued by the Civil Service Commission to appropriate officials in departments and agencies in October 1973. It was also released to the press at that time.

A handwritten signature in cursive script, appearing to read "Bob", written in black ink.

Robert E. Hampton
Chairman

Enclosure





CHAIRMAN

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D. C. 20415

SEP 27 1974

MEMORANDUM FOR: Honorable Philip W. Buchen
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In view of inquiries being made to the White House by a reporter from the St. Louis Post-Dispatch regarding job referrals made by President Ford (when he was a member of the House) and others, I thought the attached statement might be of interest to you.

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Robert E. Hampton
Chairman

Enclosure



October 24, 1973

This statement explains how agencies can properly consider referrals of persons from various sources (including political sources).

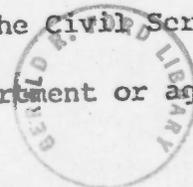
Schedule C and Noncareer Executives

Appointments to key policy-determining jobs, or jobs having a close personal relationship to an agency head or his key officials, are excepted from the usual merit system requirements. These jobs (Schedule C and Noncareer Executives) are expected to be filled by the appointment of people who are clearly in close policy and political agreement with the appointing officials or have their personal confidence. Thus, political recommendations and advice on such appointments is normal practice and fully supportable. After all, it is these appointees who are responsible for public advocacy and defense of agency and administration policies and programs (or in close personal support of such people).

Career Jobs

More than 90% of all Federal jobs are required by law to be filled through open competition and solely on the basis of merit and fitness. In filling such jobs, the question of whether it is proper to consider persons referred from a variety of sources is frequently raised.

Anyone who knows of a person seeking employment generally has a right to bring that person to the attention of the Civil Service Commission or an official of any Government department or agency.



"Anyone" means just that. Employment referrals by Congressmen, officials of political parties or the White House, State Governors, Mayors, representatives of trade associations, labor organizations, civil rights groups, ethnic and racial groups, and other groups and individuals, are completely proper and legitimate. The major limitation in law* is that of 5 U.S.C. 3303 which states:

"an individual concerned in examining an applicant for or appointing him in the competitive service may not receive or consider a recommendation of the applicant by a Senator or Representative, except as to the character or residence of the applicant."

This limitation is not a ban on referrals. It is rather a restriction on the examining or appointing official as to how he may consider this referral. Any candidate referred through political sources must be fully considered, but only in the same manner, and subject to the same requirements, as those which are applied to all other candidates. This can only be done by placing the applications of people received through such referrals into the regular system for receipt and consideration of all other candidates. Only in this way can equal consideration be given to those other citizens (usually including many highly qualified people) who express interest in Government employment through the usual channel of application in civil service examinations or directly to an agency in whose program they are interested, without reliance on referral from a third party.

* There is another limitation (5 U.S.C. 3/10) which deals with restrictions on recommendations for employment of relatives.



Thus, what is prohibited is not referrals, but the giving of special preferential or exclusive consideration to referrals from only one source. A merit appointment can be made only after the requirements of public notice, broad opportunity to apply, and common, realistic standards have been met. These must be met in fact and not just by lip service. There needs to be an active search for candidates from relevant sources; the final competition must occur among candidates recruited in such a manner; and the final selection must be made from among only the most highly qualified and solely on the basis of merit and fitness, as required by law.

In addition, pursuant to the Civil Service Act of 1883, Federal officials are bound by a Presidential order, initially promulgated by President Arthur in 1883, which without significant change in meaning is currently found in Rule 4.2 of Title 5 of the Code of Federal Regulations. The current Order explicitly prohibits officials, in connection with competitive service employment, from making "any inquiry concerning * * * political affiliation." The Rule then states that all disclosures concerning such matters shall be ignored, and that no discrimination shall be exercised, threatened, or promised because of political affiliation.

Experts and Consultant Appointments

There are special provisions of law relating to the appointment of experts and consultants (5 U.S.C. 3109). It is particularly important that these provisions and the Commission's implementing instructions are followed carefully. The major need is to be sure that experts and consultant appointments are genuinely that; not a subterfuge to fill an operating job. Thus, the appointee must be a bona fide expert actually needed for short duration or intermittent assignment.

For Further Advice

The Director of Personnel of each Federal department or agency is available to advise in more detail on the requirements of law and regulation regarding appointments in that agency. He is fully committed to the furthering of his agency's mission and expert in the proper way to do that within the meaning and spirit of merit principles and civil service law.



CSC

THE WHITE HOUSE
WASHINGTON

October 4, 1974

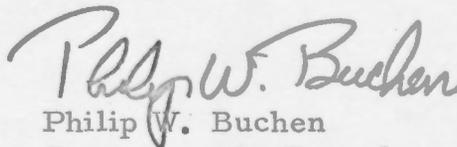
PERSONAL

Dear Mr. Sampson:

This is to acknowledge your October 1 letter to the President setting forth your views with respect to a series of matters within the purview of the Civil Service Commission.

As the cases in question, I understand, are currently under active consideration by the Commission, or, as to some, by the Justice Department, I do not believe it would be appropriate to discuss them further at this time. On your more general concerns, I trust that all possible efforts will be made between you or your representatives and those of the Commission to resolve whatever differences remain.

Sincerely,


Philip W. Buchen
Counsel to the President

Honorable Arthur F. Sampson
Administrator
General Services Administration
Washington, D. C. 20405



THE WHITE HOUSE
WASHINGTON

October 4, 1974

FOR: PHIL BUCHEN
FROM: KEN LAZARUS *KL*
SUBJECT: Proposed letter to Arthur Sampson,
GSA.

Attached is a copy of Arthur Sampson's letter of October 1, 1974, to the President regarding the current dispute between GSA and the Civil Service Commission, and a proposed response for your signature.

Attachments

cc: Phil Areeda
Bill Casselman



THE WHITE HOUSE
WASHINGTON

October 4, 1974

PERSONAL

Dear Mr. Sampson:

This is to acknowledge your October 1 letter to the President setting forth your views with respect to a series of matters within the purview of the Civil Service Commission.

As these matters are currently under active consideration by the Commission, I do not believe it would be appropriate to discuss them further. I trust you appreciate my concern in this regard.

Sincerely,

Philip W. Buchen
Counsel to the President

Honorable Arthur F. Sampson
Administrator
General Services Administration
Washington, D. C. 20405





UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405
STRICTLY PRIVATE AND CONFIDENTIAL

ADMINISTRATOR

October 1, 1974

The President
The White House
Washington, D. C. 20500

Dear Mr. President:

I sincerely applaud your September 20, 1974, memorandum praising Federal civil servants and endorsing the merit system. GSA is a success today because it adhered to these principles.

There has been some publicity recently which tends to portray GSA as a "haven for political hacks" and implies that we have some sort of all-pervasive political patronage system.

I assure you this is not the case!!

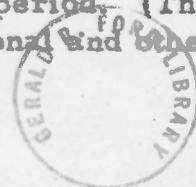
We have had some problems. (As I am sure everyone does from time to time.) In this regard there are two things you should be aware of:

1. When the problems came to my attention, swift and effective action was taken to solve the problems.
2. The problems were very minor in scope.

We seem to be in the position of the 2000-man police force that is being condemned publicly because of two or three corrupt policemen.

Here are the facts:

Civil Service Commission investigators examined some 3600 files covering a four and one-half year period. (These files we maintained to followup on congressional and other personnel referrals.)



- From these 3600 files, CSC identified 37 (1 percent) cases which they alleged were questionable.
- During this four and one-half year period GSA processed some 300,000 applications for jobs and hired over 40,000 employees.

Currently there is a great difference of opinion between GSA and CSC. We disagree strongly with CSC's proposed penalties (dismiss four employees and suspend four others) as being greatly disproportionate to the charges.

I have written a letter to Bob Hampton today asking for a meeting to reconcile our differences.

One final point, adherence to merit principles is a sound policy. But we must be wary of overly strict adherence which results in an inflexibility that is detrimental to effective performance by Departments and Agencies.

I am afraid that we have already reached this state of inflexibility and I would like to discuss this with you, if you so desire.

Respectfully,

(Signed) A. F. Sampson

ARTHUR F. SAMPSON
Administrator

cc: Honorable Phillip W. Buchen
Counsel to the President

Honorable Donald Rumsfeld
Assistant to the President

Dudley —
for
immediate
action



THE WHITE HOUSE

WASHINGTON

October 9, 1974

MEMORANDUM FOR PHIL BUCHEN

SUBJECT: Proposal to Transfer Overseas Allowance
 Authority to Civil Service Commission

Attached is a draft memo from Ken Cole to the President on this matter. Would you please review the memo and appended letters from Henry Kissinger, Senator Fulbright and Stan Ebner and furnish me your recommendation on the matter. Thank you.

F. Lynn May

F. Lynn May

Attachments



THE WHITE HOUSE

DRAFT

WASHINGTON

October 8, 1974

MEMORANDUM FOR THE PRESIDENT

FROM: KEN COLE

SUBJECT: Proposed Executive Order entitled "Delegations of Authority with Respect to Certain Overseas Benefits and Allowances of Government Employees"

BACKGROUND

This order would delegate to the Civil Service Commission (CSC) responsibility for determining allowances for all U. S. Government civilian personnel in foreign areas, currently a duty of the State Department. The order was prompted by a recent GAO report to the Congress that enumerated the great diversity of benefits and allowances that are available to government personnel from different agencies stationed abroad.

OMB maintains that CSC is the best agency to administer allowances because of its impartiality and expertise in personnel and pay policy matters. OMB also argues that State and AID only account for 19% of the total U. S. civilian and military presence abroad. OMB maintains that CSC is more experienced than State in dealing with the pay and allowance demands of unions and professional groups, OMB stresses that the order would not remove any authority from the Secretary of State authorized by the Foreign Service Act of 1946.

State opposes the order because it maintains the Secretary of State's ability to preside over personnel representing the U. S. abroad is fundamental to an effective foreign affairs program and have cited State's ability to increase allowances in Cyprus as an example. State feels it must control allowances because they are important inducements in recruitment and retention of good people. Finally, State affirms that it is uniquely qualified to administer those allowances because of its familiarity with overseas operating and its communications capability.



The Departments of the Treasury, the Interior, Commerce and CSC favor the order. DOD, Transportation, NASA and the VA have no objections. GSA favors transfer of the authority to itself. State and AID oppose the order.

Senator Fulbright has expressed the interest of the Senate Committee on Foreign Relations in achieving a more regular system of benefits and allowances.

RECOMMENDATIONS



COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

PAT M. HOLT, CHIEF OF STAFF
ARTHUR M. KUHL, CHIEF CLERK

OT 1 12 11
September 26, 1974
MANAGE BUDGET

DIRECTOR'S MAIL ROOM

To: *Mr. Ash*

Prepare reply for: *Roy L. Ash, Director*

Log No. *0282* Date *OCT 10 1974*

Referred to: *U.S. Foreign Relations*

OMB-GAO Control # 79-75

Mr. Roy L. Ash
Director
Office of Management
and Budget
Executive Office Building
Washington, D. C. 20503

Dear Mr. Ash:

The Comptroller General has sent me a comprehensive report (B-180403) entitled "Fundamental Changes Needed to Achieve a Uniform Government-Wide Overseas Benefits and Allowances System for U.S. Employees," dated September 9, 1974.

On the last page it says: "OMB officials subsequently informed us that they were drafting an executive order which if approved will transfer responsibility for the most significant benefits and allowances to CSC. Legislation will be required to transfer others."

The Committee on Foreign Relations has long had a keen interest in achieving a more uniform system of overseas benefits and allowances. Several years ago, the Committee encouraged the old Bureau of the Budget to take steps in this direction, but without result.

I would appreciate your comments on the GAO report, as well as an opportunity for the Foreign Relations Committee to review your proposed course of action before it becomes irreversible.

Sincerely yours,

J. W. Fulbright
J. W. Fulbright
Chairman



THE SECRETARY OF STATE
WASHINGTON

August 20, 1974

Dear Mr. President:

The Secretary of State has held the responsibility for determining allowances for all U.S. Government civilian personnel in foreign areas by delegation of authority from the President (E.O. 9870, July 8, 1947 and subsequent executive orders). This activity has been conducted over the years in close association with all interested agencies and the Congress.

Apparently basing itself on a draft General Accounting Office report, OMB recently concluded that this function should be transferred to the Civil Service Commission in the interest of conformity with predetermined standards for all civil servants.

I strongly oppose this recommendation. The authority and responsibility of the Secretary of State to preside over the internal administration of the Foreign Service and of personnel representing many U.S. Government agencies abroad is fundamental and basic tenet in an effective cohesive foreign affairs program for the United States.

A responsive and professional staff abroad has been our goal. I do not believe we can permit standardization and centralization to be the sole determinants when an action of this nature is contemplated. Allowances are, as you know, an important management responsibility in recruiting and retaining the caliber of personnel we need representing the U.S. during this vital period.

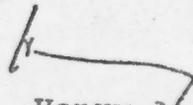
I believe the Secretary of State, acting on behalf of the President, is best qualified to determine those conditions of service which form the basis for allowances in our many posts abroad.

The President,
The White House.



I respectfully request that you not permit these management authorities now delegated to the Secretary of State to be rescinded and delegated to the Civil Service Commission.

Respectfully,

A handwritten signature in black ink, consisting of a stylized 'H' followed by a horizontal line that curves upwards at the end.

Henry A. Kissinger



GENERAL COUNSEL

Honorable William B. Saxbe
Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

Herewith, in accordance with Executive Order No. 11030, as amended, is a proposed Executive order entitled "Delegations of Authority With Respect to Certain Overseas Benefits and Allowances of Government Employees."

This proposed Executive order, which was prepared in this office, would reassign from the Department of State to the Civil Service Commission certain Presidential delegations of authority contained in Titles 5 (Government Organization and Employees) and 20 (Education) of the United States Code, with respect to the issuance of regulations governing overseas benefits and allowances of all Government civilian employees in foreign areas. Primarily, benefits affected by the proposed transfer of administrative authority are allowances for housing, cost-of-living, and dependent education and a differential for hardship at foreign posts. Reassignment of these responsibilities would be in keeping with proposals contained in a recent General Accounting Office draft report on the administration of overseas benefits and allowances. This proposal does not purport to relieve the Secretary of any of his authority under the Foreign Service Act of 1946, as amended, or under any other provisions of Title 22 of the United States Code.

The proposed Executive order was circulated for comment to the agencies most directly affected by its provisions. The Departments of the Treasury, the Interior, and Commerce and the Civil Service Commission favor



its issuance. The Departments of Defense and Transportation, the National Aeronautics and Space Administration, and the Veterans Administration have no objection to its issuance. The General Services Administration supports transfer from the State Department, but favors assignment of the responsibility to itself instead of the Civil Service Commission. The Department of State and the United States Information Agency object to issuance of the Order.

The recommendation of the General Services Administration has not been accommodated because the delegations that would be made by this proposed Order relate more directly to personnel and pay policy functions, and should, more logically, be placed in the Civil Service Commission.

The Civil Service Commission recommended that the proposed Executive order include the delegation of certain additional functions to it with respect to the regulation of overseas allowances for non-appropriated fund employees and administration of official residence expenses, housing in non-foreign areas and the United States, emergency evacuation payments, and per diem for travel in foreign areas. These recommendations involve secondary issues that should be deferred for later consideration, after the Civil Service Commission has gained sufficient experience in administering the basic overseas allowance program.

The Department of State believes that it is uniquely qualified to administer the overseas allowances program, because of its orientation to overseas operations, its communications capability, and the expertise of its staff. They believe these advantages enable them to be more responsive especially in unusual overseas situations, and consider, therefore, that the program is an important element in the Secretary of State's responsibility for coordination and direction of overseas operations. They specifically cite the example of the recent outbreak of civil war in Cyprus as a demonstration of their ability to respond quickly in adjusting appropriate overseas allowances. Furthermore, the Department asserts that transferring the Titles 5 and 20 allowances to the Civil Service Commission would be a duplicative and cumbersome arrangement, since certain overseas benefits authorized by the Foreign Service Act of 1946 are, by law, administered by the Secretary of State.



In the opinion of this office, the position of the Department of State does not sufficiently overcome findings of the General Accounting Office disclosing the need to have an institutional framework that assures impartial, disinterested administration of overseas benefits. Our own continuing study of the administration of these allowances by the Department of State identified instances where overly generous procedures are used in determining allowance rates. The best remedy would be to transfer Titles 5 and 20 allowance authorities to the Civil Service Commission -- an agency which has no overseas employees and which already regulates similar benefits in non-foreign areas. We believe further that since the proposed Order provides for the transfer of personnel from the Department of State's allowances staff, along with the shift of functional responsibilities, the loss of technical expertise would not be significant. We would also anticipate no difficulties in continued use of the Department of State communications system. We would expect the administration of these overseas allowances by the Civil Service Commission to be no more administratively complex or difficult than other personnel authorities centrally administered by the Civil Service Commission for most Federal agencies.

Finally, it should be noted that the allowances involved apply not only to State Department personnel, but to overseas personnel of other Federal departments and agencies, as well. The fact is that State Department personnel, including those in the Agency for International Development, represent only 19% of the total number of overseas employees involved. We believe that this, too, weighs in favor of transferring these allowance regulation functions to the Commission.

This proposed Executive order has the approval of the Director of the Office of Management and Budget. I would appreciate your prompt consideration of it so that it may be submitted for the consideration of the President at the earliest possible time. Early issuance of the Order would be of considerable assistance to this office since it would simplify budget and appropriation arrangements, and the transfer of personnel, property, and records.

Sincerely,

(Signed) Stanley Ebner

Stanley Ebner
General Counsel



Enclosure

October 9, 1974

CSC

Dear Mr. Wolkowir:

The President has asked me to respond to your letter of October fourth, concerning the case of John Holt, an employee of the General Services Administration.

On September 24, Mr. Holt's daughter wrote to the President expressing concern that her father was being improperly discharged from his position. While a response was being prepared to her letter, a three-person review board made the determination to rescind the original decision and consequently he will continue in his present position or be given the opportunity to seek reassignment.

Thank you very much for your inquiry.

Sincerely yours,

Philip M. Buchen
Counsel to the President

Mr. Nathan T. Wolkowir, President
National Federation of Federal Employees
1737 H Street, N.W.
Washington, D. C. 20006

PMB:em



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

1737 H STREET, NORTHWEST, WASHINGTON, D.C. 20006



VICE PRESIDENTS: REGION 1, BENNETT C. JOSEPH, BATH, N.Y. • REGION 2, INEZ F. HOWARD, ORANGE, N.J. • REGION 3, LEWIS W. FUSSELL, PANAMA CITY, FLA. • REGION 4, SARAH B. BUETTNER, TEXARKANA, TEX. • REGION 5, LAWRENCE A. BOYER, TUCSON, ARIZ. • REGION 6, JAMES O. PETERSON, RIVERSIDE, CAL. • REGION 7, ALBERT W. LAMPTON, RICHLAND, WASH. • REGION 8, SHELTON M. ESTES, MINNEAPOLIS, MINN. • REGION 9, ABRAHAM ORLOFSKY, CHICAGO, ILL.

IAN T. WOLKOMIR, President
M. HARTZ, Secretary-Treasurer

IN REPLY REFER TO:
GT - 1705

October 4, 1974

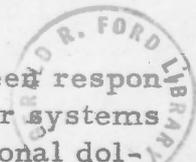
The President
The White House
Washington, D. C.

Dear Mr. President:

This will be the first time I have written to the President of the United States about the concerns of a single civil servant. But extraordinary events demand extraordinary measures and, therefore, I am compelled to take this highly unusual step. I speak of John E. Holt, a computer expert who has been fired by the General Services Administration. But beyond the issue of John Holt is the broader issue of a citizen's right to speak and the American public's right to know. Mr. Holt's case is unusual only because he spoke out. That he was fired for doing so is, unfortunately, not unusual.

Mr. President, the media reports that while you were Vice President you were instrumental in the defeat of GSA's project FEDNET; that you characterized FEDNET as a threat to the personal lives of thousands of people. John Holt was the first person to point out the defects of project FEDNET. First to the GSA and then, when he was unceremoniously told to mind his own business, to the Congress. Now, the GSA has fired him. There can be no doubt that the GSA removed him because of this and other revelations he has made. Mr. Holt is also responsible for earlier revealing a serious infraction of the Hatch Act which resulted in the disciplining of six persons.

John Holt has been an outstanding employee and has been responsible for saving the taxpayers millions of dollars. Computer systems that he worked on are still in use and continue to save additional dollars. He is a valuable employee with 22 years of government service.



October 4, 1974

Mr. President, you recently affirmed your support for the career civil servant. In your memorandum of September 20, 1974, you observed that due chiefly to efforts of the career civil servants the Government could function under even the most difficult circumstances. You asked that the "...merit principles contained in the Civil Service Act and the personnel laws and regulations... (be)... fully and effectively carried out... (and that)... the agencies fully (comply) with both the letter and the spirit of the law..."

The average Federal employee does not believe that he or she will be protected in the exercise of his rights. They see what happens to the Ernest Fitzgerald's, the Gordon Rule's and the John Holt's. They know that if they criticize, if they reveal embarrassing facts, their careers will be on the line. They know to a certainty that they have virtually no chance of winning an appeal. They see that those few who do succeed do so only at enormous costs both personal and financial. The Ernest Fitzgerald case cost a reported quarter of a million dollars and took four long years to resolve. Federal employees see this and know they are playing with a stacked deck. They have mortgage payments to make, a family to support, and children in college. They see all of this and they are silent. It takes an unusual and courageous person to reveal facts which will probably cost him his job.

Mr. President, this country needs more Gordon Rule's, Ernest Fitzgerald's and John Holt's. What is needed is men and women who are unafraid and willing to speak the truth. In revealing wasteful practices, or as in the case of FEDNET, something that constitutes a threat to the personal lives of thousands of people, these dedicated men and women perform service for which they will never be adequately compensated and may in fact be forever stigmatized.

What is needed, Mr. President, is a clear signal from you that the civil servant will be protected. I believe that there are many project "FEDNET's," that there are many cost overruns and many wasteful contracts which are never revealed. Millions of dollars could be saved by stopping these boondoggles. I, therefore ask, Mr. President, that you publicly proclaim your support of those Americans who have had the courage to speak out even at the risk of their jobs. I ask that you support legislation that will protect and encourage the John Holt's of this country to speak out. Finally, Mr. President, I urge that you order the GSA to reconsider it's decision to remove Mr. Holt. His last day of work will be October 4, 1974.

Sincerely,

Nate Wolkomir



Civil Service

Jay:

We should refer this to
office of Rob't Hampton
at Civil Service to prepare
suggested reply and should
furnish copies of exchange
of correspondence which
includes my Oct 10 letter.

P.



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

1737 H STREET, NORTHWEST, WASHINGTON, D.C. 20006



VICE PRESIDENTS: REGION 1, BENNETT C. JOSEPH, JR., BATH, N.Y. • REGION 2, INEZ F. HOWARD, ORANGE, N.J. • REGION 3, LEWIS W. FUSSELL, PANAMA CITY, FLA. • REGION 4, CHARLES D. STEPHENS, NORTH LITTLE ROCK, ARK. • REGION 5, JOSEPH V. CHIARELLA, PHOENIX, ARIZ. • REGION 6, JAMES O. PETERSON, RIVERSIDE, CAL. • REGION 7, ALBERT W. LAMPTON, RICHLAND, WASH. • REGION 8, WALTER J. BURKE, JR., ST. LOUIS, MO. • REGION 9, ABRAHAM ORLOFSKY, CHICAGO, ILL.

NATHAN T. WOLKOMIR, President
RITA M. HARTZ, Secretary-Treasurer

IN REPLY REFER TO:
GT-White House

November 5, 1974

Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

We appreciate your letter of October 9, 1974, regarding the John Holt case.

The Holt case was, of course, of particular interest and was exceptional in that it was resolved in favor of the employee. There are, however, thousands of other cases that are not favorably resolved and Federal employees are well aware of this. The chilling effect this knowledge has on the willingness of Federal employees to reveal facts which may be of benefit to the taxpayer is tremendous. We are convinced that if Federal employees were protected in situations where they reveal embarrassing facts, they would be willing to come forward. The result would be a more open government and, I believe, a very considerable savings to the taxpayer.

We believe there are ways to encourage Federal employees to come forward. We think this would be of great benefit to the taxpayer and improve the efficiency of the government. Accordingly, we are requesting a meeting with you to discuss these possibilities.

Sincerely,

Nathan T. Wolkomir

N. T. Wolkomir
President



12/13/74

Phil A:

Do you see any need for us to consider this matter or to respond to the letter?

P

Civil Service



UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D. C. 20415

CHAIRMAN

December 10, 1974

MEMO FOR HONORABLE PHILIP W. BUCHEN
Counsel to the President
The White House

You may have read the story which appeared on the front page of the Washington Post yesterday with regard to the GSA matter. Attached, for your information, is a copy of our response.

A handwritten signature in cursive script that reads "Bob".

Robert E. Hampton
Chairman





UNITED STATES CIVIL SERVICE COMMISSION
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20415

IN REPLY PLEASE REFER TO

GC:LEG 1

YOUR REFERENCE

DEC 9 - 1974

Mr. Benjamin Bradlee
Executive Editor
The Washington Post
1150 15th Street N.W.
Washington, D.C. 20071

Dear Mr. Bradlee:

Today, a story entitled "Civil Service Head Tied to Patronage" appeared on the first page of the Post. In my judgment, this article, and especially the banner under which it was written, unjustifiably maligns a career civil servant who has served under three successive Presidents and who, on the basis of his many achievements, properly enjoys a reputation for integrity and effective service. Normally, I would feel no obligation to respond to an article of this sort, but the potential for harm is so clear here that I am constrained to do so. In any case, I hope that you find it possible to give my comments the kind of featured treatment which was given the article of which I complain, thereby remedying some portion of the grave injustice that has been done.

It is difficult to know where to begin my comment on this article, for so much of it clearly distorts information which the writer, Mr. Kessler of your staff, had before him. As an initial matter, though, it should be pointed out that almost all of the documentation upon which the article is based, including all of the material which makes mention of Chairman Hampton, was freely and expeditiously provided to Mr. Kessler by the Civil Service Commission. In my judgment, this is not an insignificant fact since the central thrust of Mr. Kessler's article is that this documentation suggests wrongdoing on the part of the Civil Service Commission Chairman.

At all events, neither the Commission through its staff, nor Chairman Hampton, have at any time attempted to keep from public review the material which Mr. Kessler apparently believes ties the "Civil Service [h]ead * * * to patronage." As we explained to Mr. Kessler, Chairman Hampton has stated that he had absolutely no knowledge of GSA's preferential employment practices at the time he wrote to the

agency and Mr. Kessler's suggestions to the contrary are unsupported. In short, Mr. Kessler sorely misreads the record in this matter and that record simply must be set straight.

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To the extent that agency officials accorded Mr. Hutchison preferential consideration because he had been referred to the agency by Chairman Hampton, they did so on the mistaken belief that Chairman Hampton would appreciate their efforts. Indeed, Chairman Hampton's referral to GSA consisted merely of two brief sentences which, in full, stated: "I am forwarding Mr. Hutchison's resume to you for consideration. Is there any chance that GSA can use his services?" Furthermore, while others outside of GSA wrote to the agency on Mr. Hutchison's behalf and improperly stressed the candidate's political affiliation and indicated strong personal interest in the matter, Chairman Hampton has stated that he had no knowledge of these pressures or of the actions which were taken in their wake by GSA personnel. As we also told Mr. Kessler, Chairman Hampton has stated that had he known that such efforts were being made on Mr. Hutchison's behalf -- which he did not know during the relevant times -- he would have taken immediate steps to see to it that the action was stopped.

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We should add that Mr. Kessler's error in misdescribing the action which the Commission recently took in this matter is compounded when he states in the last paragraph of the article that a Commission spokesman advised him that the putative political basis for Mr. Hutchison's appointment was not relevant to the complaint. Obviously, and as was explained to Mr. Kessler at length, that a particular appointment may have been based on non-merit factors such as political sponsorship is highly relevant to the question whether specific agency employees or officials should be disciplined for their part in effecting the appointment. This, however, was not the question which the Commission recently addressed in the decision to which the article refers. And, again, whether political sponsorship was involved in Mr. Hutchison's selection is not pertinent to the question of Mr. Hutchison's eligibility for the position to which he was appointed. This is especially so since there is no suggestion in the record of this matter that the applicant was a witting beneficiary of any improper favors that may have been accorded to him by GSA.

Finally, I must make several personal comments. Mr. Kessler states that "because of concern expressed by the Justice Department that it might affect the outcome of pending civil suits against Hampton, the commission said Hampton could not be interviewed." I did not give that message to Mr. Kessler, and I doubt that anyone in the Justice Department did. It is typical, however, of the careless misconstruction he seems willing to place on what he hears. The real reason for failing to make Chairman Hampton available for interview is that lawyers, including Government lawyers, are constrained by ethical considerations from trying their cases in the newspapers. Depending on how the issues in the disciplinary cases against GSA employees are decided, Chairman Hampton may have to serve as a fact witness either in the administrative hearings or in court. While that possibility exists, the role of his lawyers is clear. Even if it results in his momentary inability to defend his actions and his integrity, his testimony must be reserved for a more appropriate occasion in connection with the litigation. This posture is not triggered by any consideration whether his testimony would win or lose the case. It would be taken in either event.

Mr. Kessler states that I "quoted Chairman Hampton as saying he had made more than 20 job referrals beside Hutchison's." Actually, Mr. Kessler first brought up that matter as one which a different reporter had previously reported, and I merely acquiesced in the attribution of it to Chairman Hampton. Moreover, I remember distinctly telling him what I knew of Chairman Hampton's non-GSA referrals, and that we have no information that any of them had ever resulted in jobs being given to the persons referred. In this connection I explained to him that Chairman Hampton had denied he had any knowledge of the preferential selection system we are prepared to prove existed at GSA, until he learned of it in connection with this Commission's investigation begun last year. This, of course, is crucial. Anyone who knew of the system and deliberately plugged into it is in my judgment guilty of wrongdoing. But Mr. Kessler, although he knew what I had told him about the emptiness of non-GSA referrals, and Chairman Hampton's denial of knowledge of the GSA preferential system, reported neither of those items. By this means he makes it appear that the most critical ingredients of culpability probably existed and were not even denied, when from all he knew these statements he reported in his article were false and misleading. Again, these distorted statements constitute Mr. Kessler's support for a headline which ties Chairman Hampton to patronage. Asserting that linkage on the errors and speculation contained in the article is irresponsible.

By this artful juxtaposition of inaccurate and unrelated matters, and by burying incompletely stated and somewhat misquoted explanations of his conduct by Chairman Hampton, explanations which fall short of the statements actually attributed to him by me, Mr. Kessler has pieced together a fanciful tale which fails to support the banner under which it is written. In this contrived fashion he demeans the reputation of a public official who has devoted a lifetime of impeccable and valuable service to the American people. He has thus treated Chairman Hampton and the Post's readers unfairly.

Sincerely yours,



Anthony L. Mondello
General Counsel

THE WHITE HOUSE
WASHINGTON

Phil A:

Do you see any
need for us to
consider this matter
or to respond to
letter?

T.

Boydell
H. Ford
Service
Commission

No P.A.





CHAIRMAN

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D. C. 20415

December 10, 1974

MEMO FOR HONORABLE PHILIP W. BUCHEN
Counsel to the President
The White House

You may have read the story which appeared on the front page of the Washington Post yesterday with regard to the GSA matter. Attached, for your information, is a copy of our response.

A handwritten signature in cursive script, appearing to read "Bob", written in dark ink.

Robert E. Hampton
Chairman





UNITED STATES CIVIL SERVICE COMMISSION

OFFICE OF THE GENERAL COUNSEL

WASHINGTON, D.C. 20415

IN REPLY PLEASE REFER TO

GC:LEG 1

YOUR REFERENCE

DEC 9 - 1974

Mr. Benjamin Bradlee
Executive Editor
The Washington Post
1150 15th Street N.W.
Washington, D.C. 20071

Dear Mr. Bradlee:

Today, a story entitled "Civil Service Head Tied to Patronage" appeared on the first page of the Post. In my judgment, this article, and especially the banner under which it was written, unjustifiably maligns a career civil servant who has served under three successive Presidents and who, on the basis of his many achievements, properly enjoys a reputation for integrity and effective service. Normally, I would feel no obligation to respond to an article of this sort, but the potential for harm is so clear here that I am constrained to do so. In any case, I hope that you find it possible to give my comments the kind of featured treatment which was given the article of which I complain, thereby remedying some portion of the grave injustice that has been done.

It is difficult to know where to begin my comment on this article, for so much of it clearly distorts information which the writer, Mr. Kessler of your staff, had before him. As an initial matter, though, it should be pointed out that almost all of the documentation upon which the article is based, including all of the material which makes mention of Chairman Hampton, was freely and expeditiously provided to Mr. Kessler by the Civil Service Commission. In my judgment, this is not an insignificant fact since the central thrust of Mr. Kessler's article is that this documentation suggests wrongdoing on the part of the Civil Service Commission Chairman.

At all events, neither the Commission through its staff, nor Chairman Hampton, have at any time attempted to keep from public review the material which Mr. Kessler apparently believes ties the "Civil Service [h]head * * * to patronage." As we explained to Mr. Kessler, Chairman Hampton has stated that he had absolutely no knowledge of GSA's preferential employment practices at the time he wrote to the



agency and Mr. Kessler's suggestions to the contrary are unsupported. In short, Mr. Kessler sorely misreads the record in this matter and that record simply must be set straight.

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Sincerely yours,



Anthony L. Mondello
General Counsel



December 24, 1974

*Civil
Service
Comm.*

Dear Dr. Wolkemir:

This is in reply to your letter of November 5, 1974, concerning your interest in meeting with me to discuss your ideas for achieving a more open Government.

The President has already taken a number of steps to assure an open and responsive Government including his memorandum of September 20, 1974, to Heads of Departments and Agencies on the career civil service. In keeping with this directive, the Chairman of the Civil Service Commission, among other actions, required Federal agencies to designate an official in the agency to whom an employee who has a basis for believing that personnel laws or rules are being violated, can provide the facts without fear of reprisal. The official will assure that appropriate inquiry and action follows. Agencies have been asked to report the designation of this official to the Commission.

In view of the Commission's statutory responsibilities and recent activities in this area, I would suggest that you could best discuss your ideas and concerns with officials of the Commission.

Sincerely yours,

Phillip W. Buchen
Counsel to the President

Dr. Nathan T. Wolkemir
President
National Federation of
Federal Employees
1747 H Street, N. W.
Washington, D. C. 20006





UNITED STATES CIVIL SERVICE COMMISSION

IN REPLY PLEASE REFER TO

WASHINGTON, D.C. 20415

DEC 17 1974

YOUR REFERENCE

MEMORANDUM FOR HONORABLE PHILIP W. BUCHEN
Counsel to the President
The White House

Attached is the draft reply you requested to Dr. Nathan T. Wolkomir, President, National Federation of Federal Employees, who wrote to you requesting a meeting to discuss his ideas on achieving a more open Government.

Briefly, in the proposed reply, we provided information on recent steps in this area and suggested that he meet with Commission officials in view of our direct responsibilities and actions in the matter.

If we may be of further assistance, please let us know.

A handwritten signature in black ink, appearing to read "Bob", written over a large, stylized arrow pointing to the left.

Robert E. Hampton
Chairman

Enclosure



DEC 17 1974

Dr. Nathan T. Wolkomir
President
National Federation of
Federal Employees
1737 H Street, N. W.
Washington, D. C. 20006

Dear Dr. Wolkomir:

This is in reply to your letter of November 5, 1974, concerning your interest in meeting with me to discuss your ideas for achieving a more open Government.

The President has already taken a number of steps to assure an open and responsive Government including his memorandum of September 20, 1974, to Heads of Departments and Agencies on the career civil service. In keeping with this directive, the Chairman of the Civil Service Commission required Federal agencies, among other actions, to designate an official in the agency to whom an employee who has a basis for believing that personnel laws or rules are being violated, can provide the facts without fear of reprisal. The official will assure that appropriate inquiry and action follows. Agencies are requested to report on actions taken and designation of this official to the Commission. I contacted the Commission regarding this matter and was advised that they have received very favorable responses from agencies.



In view of the Commission's statutory responsibilities and recent activities in this area, I would suggest that you could best discuss your ideas and concerns with officials of the Commission.

Sincerely yours,

Philip W. Buchen
Counsel to the President



REFERRAL

To: Honorable Robert E. Hampton
Chairman, Civil Service Commission
1900 E Street, N.W.
Washington, D. C. 20415

Date: December 3, 1974

ACTION REQUESTED

- Draft reply for:
 - President's signature.
 - Undersigned's signature.
- Memorandum for use as enclosure to reply.
- Direct reply.
- Furnish information copy.
- Suitable acknowledgment or other appropriate handling.
- Furnish copy of reply, if any.
- For your information.
- For comment.

NOTE

~~Prompt action is essential.
If more than 72 hours' delay is encountered
please telephone the undersigned immediately
Code 1450.~~

~~Basic correspondence should be returned with
draft reply, memorandum, or comment as requested.~~

REMARKS:

Description:

Letter: _____ Telegram: _____ Other: _____

To: Philip W. Buchen
 From: N. T. Wolkomir, President, National Federation of Federal Employees
 Date: Nov. 5, 1974
 Subject: the case of John Holt
 1737 H Street, N. W., Washington DC 20004

By direction of the President:

P. W. B.
 Philip W. Buchen
 Counsel to the President



(Copy to remain with correspondence)

NATIONAL FEDERATION OF FEDERAL EMPLOYEES

1737 H STREET, NORTHWEST, WASHINGTON, D.C. 20006



VICE PRESIDENTS: REGION 1, BENNETT C. JOSEPH, JR., BATH, N.Y. • REGION 2, INEZ F. HOWARD, ORANGE, N.J. • REGION 3, LEWIS W. FUSSELL, PANAMA CITY, FLA. • REGION 4, CHARLES D. STEPHENS, NORTH LITTLE ROCK, ARK. • REGION 5, JOSEPH V. CHIARELLA, PHOENIX, ARIZ. • REGION 6, JAMES O. PETERSON, RIVERSIDE, CAL. • REGION 7, ALBERT W. LAMPTON, RICHLAND, WASH. • REGION 8, WALTER J. BURKE, JR., ST. LOUIS, MO. • REGION 9, ABRAHAM ORLOFSKY, CHICAGO, ILL.

NATHAN T. WOLKOMIR, President
RITA M. HARTZ, Secretary-Treasurer

IN REPLY REFER TO:

GT-White House

November 5, 1974

Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

We appreciate your letter of October 9, 1974, regarding the John Holt case.

The Holt case was, of course, of particular interest and was exceptional in that it was resolved in favor of the employee. There are, however, thousands of other cases that are not favorably resolved and Federal employees are well aware of this. The chilling effect this knowledge has on the willingness of Federal employees to reveal facts which may be of benefit to the taxpayer is tremendous. We are convinced that if Federal employees were protected in situations where they reveal embarrassing facts, they would be willing to come forward. The result would be a more open government and, I believe, a very considerable savings to the taxpayer.

We believe there are ways to encourage Federal employees to come forward. We think this would be of great benefit to the taxpayer and improve the efficiency of the government. Accordingly, we are requesting a meeting with you to discuss these possibilities.

Sincerely,

Nathan T. Wolkomir

N. T. Wolkomir
President



751411

October 9, 1974

Dear Mr. Holkomir:

The President has asked me to respond to your letter of October fourth, concerning the case of John Holt, an employee of the General Services Administration.

On September 24, Mr. Holt's daughter wrote to the President expressing concern that her father was being improperly discharged from his position. While a response was being prepared to her letter, a three-person review board made the determination to rescind the original decision and consequently he will continue in his present position or be given the opportunity to seek reassignment.

Thank you very much for your inquiry.

Sincerely yours,

Philip H. Buchen
Counsel to the President

Mr. Nathan T. Holkomir, President
National Federation of Federal Employees
1737 H Street, N.W.
Washington, D. C. 20006

PWB:em





VICE PRESIDENTS: REGION 1, BENNETT C. JOSEPH, BATH, N.Y. • REGION 2, INEZ F. HOWARD, ORANGE, N.J. • RE
3, LEWIS W. FUSSELL, PANAMA CITY, FLA. • REGION 4, SARAH B. BUETTNER, TEXARKANA, TEX. • REGION 5, LAW
A. BOYER, TUCSON, ARIZ. • REGION 6, JAMES O. PETERSON, RIVERSIDE, CAL. • REGION 7, ALBERT W. LAMPTON,
LAND, WASH. • REGION 8, SHELTON M. ESTES, MINNEAPOLIS, MINN. • REGION 9, ABRAHAM ORLOFSKY, CHICAG

NATHAN T. WOLKOMIR, President
RITA M. HARTZ, Secretary-Treasurer

IN REPLY REFER TO:
GT - 1705

October 4, 1974

The President
The White House
Washington, D. C.

Dear Mr. President:

This will be the first time I have written to the President of the United States about the concerns of a single civil servant. But extraordinary events demand extraordinary measures and, therefore, I am compelled to take this highly unusual step. I speak of John E. Holt, a computer expert who has been fired by the General Services Administration. But beyond the issue of John Holt is the broader issue of a citizen's right to speak and the American public's right to know. Mr. Holt's case is unusual only because he spoke out. That he was fired for doing so is, unfortunately, not unusual.

Mr. President, the media reports that while you were Vice President you were instrumental in the defeat of GSA's project FEDNET; that you characterized FEDNET as a threat to the personal lives of thousands of people. John Holt was the first person to point out the defects of project FEDNET. First to the GSA and then, when he was unceremoniously told to mind his own business, to the Congress. Now, the GSA has fired him. There can be no doubt that the GSA removed him because of this and other revelations he has made. Mr. Holt is also responsible for earlier revealing a serious infraction of the Hatch Act which resulted in the disciplining of six persons.

John Holt has been an outstanding employee and has been responsible for saving the taxpayers millions of dollars. Computer systems that he worked on are still in use and continue to save additional dollars. He is a valuable employee with 22 years of government service.

Mr. President, you recently affirmed your support for the career civil servant. In your memorandum of September 20, 1974, you observed that due chiefly to efforts of the career civil servants the Government could function under even the most difficult circumstances. You asked that the "...merit principles contained in the Civil Service Act and the personnel laws and regulations... (be)... fully and effectively carried out... (and that)... the agencies fully (comply) with both the letter and the spirit of the law..."

The average Federal employee does not believe that he or she will be protected in the exercise of his rights. They see what happens to the Ernest Fitzgerald's, the Gordon Rule's and the John Holt's. They know that if they criticize, if they reveal embarrassing facts, their careers will be on the line. They know to a certainty that they have virtually no chance of winning an appeal. They see that those few who do succeed do so only at enormous costs both personal and financial. The Ernest Fitzgerald case cost a reported quarter of a million dollars and took four long years to resolve. Federal employees see this and know they are playing with a stacked deck. They have mortgage payments to make, a family to support, and children in college. They see all of this and they are silent. It takes an unusual and courageous person to reveal facts which will probably cost him his job.

Mr. President, this country needs more Gordon Rule's, Ernest Fitzgerald's and John Holt's. What is needed is men and women who are unafraid and willing to speak the truth. In revealing wasteful practices, or as in the case of FEDNET, something that constitutes a threat to the personal lives of thousands of people, these dedicated men and women perform service for which they will never be adequately compensated and may in fact be forever stigmatized.

What is needed, Mr. President, is a clear signal from you that the civil servant will be protected. I believe that there are many project "FEDNET's," that there are many cost overruns and many wasteful contracts which are never revealed. Millions of dollars could be saved by stepping these boondoggles. I, therefore ask, Mr. President, that you publicly proclaim your support of those Americans who have had the courage to speak out even at the risk of their jobs. I ask that you support legislation that will protect and encourage the John Holt's of this country to speak out. Finally, Mr. President, I urge that you order the GSA to reconsider it's decision to remove Mr. Holt. His last day of work will be October 4, 1974.

Sincerely,

Nate' Wolkomir

N. T. Wolkomir, President

