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THE WHITE HOUSE
WASHINGTON

March 30, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: KENNETH A. LAZARUS
THROUGH: EDWARD SCHMULTS
FROM: JIM CONNOR *jet*
SUBJECT: H.R. 8617, the "Federal Employees
Political Activities Act of 1975"
(Hatch Act Amendments)

Confirming phone call earlier today, The President reviewed your memorandum of March 29 on the above subject and approved the following:

1. Direct the staff to communicate a veto signal to the Hill.

This decision was telephoned to Max Friedersdorf.

Items 2, 3 and 4 of your memorandum were not sent forward to the President at this time because of the urgency to decide on Item #1. If it is necessary present the other issues to the President, a new memorandum should be prepared.

Please follow-up with appropriate action.

cc: Dick Cheney
Max Friedersdorf

THE WHITE HOUSE
WASHINGTON

March 30, 1976

MR PRESIDENT:

H. R. 8617, the "Federal Employees Political
Activities Act of 1975" Hatch Act Amendments

Attached is a paper from the Counsel's office reviewing the situation on changes in the Hatch Act.

Jack Marsh, Max Friedersdorf, Jim Cannon, Jim Lynn and Rogers Morton all agree that you should convey an unequivocal veto signal. The bill will shortly be on the House Floor and Chairman Rhodes has asked if you wish to suggest a veto. If you approve, we will have information conveyed to Chairman Rhodes immediately.

Jim Connor

THE WHITE HOUSE

WASHINGTON

March 29, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: EDWARD SCHMULTS *ES*

FROM: KENNETH A. LAZARUS *KL*

SUBJECT: H. R. 8617, the "Federal Employees Political Activities Act of 1975" (Hatch Act Amendments)

The legislation noted above was recently cleared by House-Senate Conferees and final Congressional action on the measure is expected sometime during the first week of April. This is to present several options which are currently available to you with regard to the proposal.

BACKGROUND

Current law (the so-called "Hatch Act", 5 U.S.C. §7321, et seq.) provides that federal employees are prohibited from taking ". . . an active part in political management or political campaigns". All personnel (including Postal Service employees) in the Executive branch, with the exception of employees paid from White House appropriations or those officials appointed by the President, by and with the advice and consent of the Senate, are subject to this ban on political activity. The provisions apply to full-time and part-time employees in both the competitive and excepted service.

The "Hatch Act" exempts all officers and employees from the prohibition on taking an active part in political management or in political campaigns in connection with a non-partisan election. Also exempted is activity relating to questions which are not specifically identified with a national or state political party, such as constitutional amendments or referendums.

Federal employees have been excluded from participation in the American political process since 1939. The rationale behind this exclusion has been the belief that it represented an effort to protect federal employees from improper involvement in partisan political activities.

Against this backdrop, H. R. 8617 is intended to remove most of the strictures imposed on Federal employees by the "Hatch Act". The subject bill passed the House on October 31, 1975, by a roll call vote of 288 to 119. The Senate passed a companion measure on March 11, by a vote of 47 to 32. A compromise version of H. R. 8617 emerged from conference on March 23, and final Congressional action on the bill is expected no later than the first week of April.

During the course of House consideration of H. R. 8617, Bob Hampton expressed your concern with the measure and indicated that you would veto it in the event it were presented in substantially the same form in which it passed the House.

DISCUSSION

The key features of H. R. 8617, in the form in which it emerged from conference, may be summarized as follows:

- o Virtually all of the restrictions on political management and political campaigning by Federal employees would be eliminated.
- o Only a limited number of employees of the Department of Justice, the CIA and the IRS would continue to be "hatched".
- o Political activity by all Federal employees would be prohibited during working hours or on Federal property or under color of Federal authority.
- o The Civil Service Commission would be directed to prescribe regulations in keeping with this legislation. Such regulations are subject to disapproval by either House of Congress.
- o The provisions of the bill would take effect on January 1, 1977.

The subject bill has not been substantially modified so as to warrant a change of your earlier position in opposition to the measure. In its current form, H. R. 8617 threatens the non-partisan nature of Federal service, thus undermining public confidence and employment security. Enactment of this measure could lead to a return to the spoils system and would increase unreasonably the role of government unions in the Federal political process.

OPTIONS

It would appear that there will be little difficulty in sustaining a veto of H. R. 8617 in either the House or Senate. However, certain options arise in terms of communicating to the public your position on this bill and laying the groundwork for your veto.

1. Direct the staff to communicate a veto signal to the Hill.

PRO: (1) Recognizes that the bill has not been amended to meet your concerns; (2) promotes opposition to approval of the conference report; and (3) responds to the requests of your supporters on the Hill (Rhodes, Derwinski, Fong, etc.)

CON: (1) Will highlight your opposition and thus offend an unknown number of Federal employees who are anxious to participate fully in the political process; and (2) may appear to represent a partisan concern on your part over unleashing an overwhelmingly Democratic bureaucracy.

Approve

MP

Disapprove

March 30, 1976

MR PRESIDENT:

**H. R. 8617, the "Federal Employees Political
Activities Act of 1975" Hatch Act Amendments**

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Jack Marsh, Max Friedersdorf, Jim Cannon, Jim Lynn and Rogers Morton all agree that you should convey an unequivocal veto signal. The bill will shortly be on the House Floor and Chairman Rhodes has asked if you wish to suggest a veto. If you approve, we will have information conveyed to Chairman Rhodes immediately.

Jim Connor

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 29, 1976

Time:

FOR ACTION:

cc (for information):

- ✓ Jim Cannon
 - ✓ Max Friedersdorf
 - ✓ Dave Gergen
 - ✓ Jim Lynn
 - Jack Marsh
 - Rogers Morton
- FROM THE STAFF SECRETARY

*changed to
Noon
3/30*

DUE: Date:

Wednesday, March 31

Time:

10 A.M.

SUBJECT:

Memorandum from Kenneth Lazarus re
H.R. 8617, the "Federal Employees
Political Activities Act of 1975"
(Hatch Act Amendments)

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

*Friedersdorf - unequivocal neto signal.
Lynn - neto plus some added comments.
Cannon - Should neto - should
go public with D X*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor
For the President

Pages not used ---

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CON: (1) Will highlight your opposition and thus offend an unknown number of Federal employees who are anxious to participate fully in the political process; and (2) may appear to represent a partisan concern on your part over unleashing an overwhelmingly Democratic bureaucracy.

Approve _____

Disapprove _____

2. Direct the staff to prepare a Presidential statement setting forth the bases of your opposition to H. R. 8617 and perhaps supporting certain limited changes in the Hatch Act, e. g. reducing the number of personnel subject to the Act and permitting participation in partisan county and state elections.

PRO: (1) Would minimize the possibility of charges that your concerns were partisan in nature; and (2) provide some relief for Federal employees.

CON: This would tend to perpetuate the controversy.

Approve _____

Disapprove _____

3. Plan to delay your veto of H. R. 8617 the maximum number of legislative days after presentation of the enrolled bill.

PRO: Such a delay would allow a maximum period of time for supportive editorial comment and public reaction which has generally been adverse to the bill.

CON: Tends to highlight your opposition to the measure which will be contrary to the interests of some Federal employees and to continue the controversy.

Approve _____

Disapprove _____

4. Arrange for additional press play of your position in opposition to the bill. This can be accomplished by a meeting with the President of the National Federation of Federal Employees (small union) who is opposed to the bill and the issuance of a follow-up statement setting forth the bases of your opposition to H. R. 8617.

PRO: Would further ensure your ability to sustain a veto and would increase public awareness of your position.

CON: Would again highlight your opposition to the bill which could have some negative impact.



Approve _____

Disapprove _____

WHITE HOUSE
WASHINGTON

March 29, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: EDWARD C. SCHMULTS 
FROM: KENNETH A. LAZARUS 
SUBJECT: H. R. 8617, the "Federal Employees Political
Activities Act of 1975" (Hatch Act Amendments)

The legislation noted above was recently cleared by House-Senate conferees and final Congressional action on the measure is expected sometime during the first week of April. This is to present several options which are currently available to you with regard to the proposal.

BACKGROUND

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Federal employees have been excluded from participation in the American political process since 1939. The rationale behind this exclusion has been the belief that it represented an effort to protect Federal employees from improper involvement in partisan political activities.

Against this backdrop, H. R. 8617 is intended to remove most of the strictures imposed on Federal employees by the "Hatch Act". The subject bill passed the House on October 31, 1975, by a roll call vote of 288 to 119. The Senate passed a companion measure on March 11, by a vote of 47 to 32. A compromise version of H. R. 8617 emerged from conference on March 23, and final Congressional action on the bill is expected no later than the first week of April.

During the course of House consideration of H. R. 8617, Bob Hampton expressed your concern with the measure and indicated that you would veto it in the event it were presented in substantially the same form in which it passed the House.

DISCUSSION

The key features of H. R. 8617, in the form in which it emerged from conference, may be summarized as follows:

- o Virtually all of the restrictions on political management and political campaigning by Federal employees would be eliminated.
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- o The provisions of the bill would take effect on January 1, 1977.

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OPTIONS

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1. Direct the staff to communicate a veto signal to the Hill.

PRO: (1) Recognizes that the bill has not been amended to meet your concerns; (2) promotes opposition to approval of the conference report; and (3) responds to the requests of your supporters on the Hill (Rhodes, Derwinski, Fong, etc.)

CON: (1) Will highlight your opposition and thus offend an unknown number of Federal employees who are anxious to participate fully in the political process; and (2) may appear to represent a partisan concern on your part over unleashing an overwhelmingly Democratic bureaucracy.

Approve _____

Disapprove _____

2. Direct the staff to prepare a Presidential statement setting forth the bases of your opposition to H. R. 8617 and perhaps supporting certain limited changes in the Hatch Act, e. g. reducing the number of personnel subject to the Act and permitting participation in partisan county and state elections.

PRO: (1) Would minimize the possibility of charges that your concerns were partisan in nature; and (2) provide some relief for Federal employees.

CON: This would tend to perpetuate the controversy.

Approve _____

Disapprove _____

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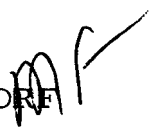
Approve _____

Disapprove _____

THE WHITE HOUSE

WASHINGTON

March 30, 1976

MEMORANDUM FOR: JIM CONNOR
FROM: MAX FRIEDERSDORF 
SUBJECT: Hatch Act Amendments

Recommend unequivocal veto signal.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 29, 1976

Time:

FOR ACTION:

cc (for information):

Jim Cannon Jim Lynn
Max Friedersdorf Jack Marsh
Dave Gergen Rogers Morton
FROM THE STAFF SECRETARY

DUE: Date: Wednesday, March 31

Time: 10 A.M.

SUBJECT:

Memorandum from Kenneth Lazarus re
H.R. 8617, the "Federal Employees
Political Activities Act of 1975"
(Hatch Act Amendments)

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Handwritten notes:
→ Jim -
I would favor option 2 because it's clear
if issue were before it gets to make it
he will veto. TT needs to let public
process. should not vet in vacuum; need
education. Option 4 because smallness of
TT's position. unless we get larger
position. 3/31/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.



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Jim Connor
For the President

WHITE HOUSE
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- o The provisions of the bill would take effect on January 1, 1977.

Did Hampton do it publicly? if so, this undermines the con. argument on p. 3

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OPTIONS

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Approve _____ Disapprove _____

- 2. Direct the staff to prepare a Presidential statement setting forth the bases of your opposition to H. R. 8617 and perhaps supporting certain limited changes in the Hatch Act, e. g. reducing the number of personnel subject to the Act and permitting participation in partisan county and state elections.

PRO: ~~(1) Would minimize the possibility of charges that your concerns were partisan in nature; and (2) provide some relief for Federal employees~~

CON: This would tend to perpetuate the controversy.

Approve _____ Disapprove _____

(1) Would help to clarify why you oppose the bill before it reaches my desk;
(2) Gives editorial press additional ammunition against bill;

press additional ammunition against bill;

*Get out of issue front
you that will be coming up anyway.*

3. Plan to delay your veto of H. R. 8617 the maximum number of legislative days after presentation of the enrolled bill.

PRO: Such a delay would allow a maximum period of time for supportive editorial comment and public reaction which has generally been adverse to the bill.

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Approve _____

Disapprove _____

4. Arrange for additional press play of your position in opposition to the bill. This can be accomplished by a meeting with the President of the National Federation of Federal Employees (small union) who is opposed to the bill and the issuance of a follow-up statement setting forth the bases of your opposition to H. R. 8617.

PRO: Would further ensure your ability to sustain a veto and would increase public awareness of your position.

CON: Would again highlight your opposition to the bill which could have some negative impact.

Approve _____

Disapprove _____

THE WHITE HOUSE

WASHINGTON


3/30/76

I recommend in favor of Option 1 - a clear veto signal.

I recommend against giving any signal we want to compromise (Option 2). A compromise such as Option 2 tends to negate our fundamental objections to the politicizing of the career civil service - a position the public is generally likely to support.

On the timing of the actual veto (Option 3), there is no need to decide today.

I recommend in favor of Option 4 - a meeting and additional press play. A meeting with the President of the National Federation of Federal Employees should be coordinated with Bob Hampton. One possible negative is that the pay raise or other issues might be raised at such a meeting.

A handwritten signature in black ink, appearing to be the initials 'AMJ' with a long, sweeping horizontal line extending to the right.

THE WHITE HOUSE
WASHINGTON

Re OMB's views on Hatch Act Amendments

Jane Finn X5600 called with their views:

OMB recommends veto. They think it will be sustained.

Beyond that we are not in favor of President meeting with the Union President and any benefits received from the veto could be watered down from such a meeting. Believe the Union President would take this opportunity to bring up many, many unrelated issues.

Regarding Press Conference OMB would not make any call on this -

There are good government reasons for a veto.

There is no clear indication that the average Government employee is unhappy with the HATCH ACT .

Clearly Union sponsored effort.

GBF 3/30/76

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 29, 1976

Time:

FOR ACTION:

cc (for information):

Jim Cannon

Jim Lynn

Max Friedersdorf

Jack Marsh

Dave Gergen

Rogers Morton

FROM THE STAFF SECRETARY

DUE: Date: Wednesday, March 31

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REMARKS:

3/30/76
Hand VERO
Should go public with it!
(Signature)

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Jim Connor
For the President

THE WHITE HOUSE

WASHINGTON

March 30, 1976

MEMORANDUM FOR: THE PRESIDENT

FROM: JACK MARSH *JM*

Congressman Frank Horton has been trying to reach you by phone to discuss with you a matter involving big league baseball.

Horton has a long background association with major league baseball arising out of his pre-Congressional service. When matters come up involving this sport, he is frequently recognized as an expert and spokesman.

The purposes of his call are:

1. To advise you that he believes that Bowie Kuhn is about to resign.
2. To urge you to call Kuhn and prevail upon him not to resign.
3. Although he did not directly mention it, he implied Kuhn's retention as Commissioner would work favorably toward possible acquisition of a major league team in Washington.

JM
3/30/76

*Advised
Jack Marsh - 3/31/76*