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CIVIL SERVICE COMMISSION

SUBJECT: FEDERAL EMPLOYEE POLITICAL ACTIVITY (HATCH ACT)
 SENATE BILL:
 HOUSE BILL : H.R. 8617 (Clay (D) Mo., and 5 others)

BACKGROUND: The Hatch Act prohibits career civil servants in the executive branch from participating in partisan political campaigns. This prohibition constitutes a safeguard against coercion for political ends because the penalty for such partisan political activity can be removal.

PROVISIONS: H.R. 8617 as reported by the conferees would clarify procedures and employee responsibilities under the Hatch Act in various respects. The primary thrust of the bill, however, would be to

-- remove from current law the prohibition against partisan political management and campaigning;

-- permit employees--with the exception of those in a superior-subordinate relationship--to freely solicit and receive political contributions from one another;

-- exempt the Mayor of the District of Columbia and the Chairman and Members of the D.C. Council from the prohibition against engaging in political activity while on duty or in a government building.

-- shift authority for Hatch Act adjudication from CSC to a new Board on Political Activities of Federal Employees.

-- permit but not require agencies to grant employee-candidates for full-time political offices leave without pay (with attendant return rights to their positions), with the result such employees could be in pay status during their entire campaigns.

-- provide that CSC rules, regulations, or amendments thereto under this subchapter would not take effect unless CSC transmitted such rule, regulation or amendments to the Congress and neither House disapproved them within 30 legislative days thereafter.

--apply original Hatch Act restrictions to employees of the Department of Justice, IRS, and CIA in "sensitive" positions, and require such agencies to designate in annual regulations those sensitive positions whose incumbents may solicit political contributions without adversely affecting the integrity of the Government. Such agency regulations would take effect 30 days after transmittal to Congress unless disapproved by Concurrent Resolution.

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-- Require a minimum penalty of 30-day suspension of employee found guilty of violating the anti-coercion provisions of the Act, or removal and permanent bar to future Federal employment.

ADMINISTRATION POSITION AND OBJECTIONS: The Administration has consistently opposed any amendments to the Hatch Act which would remove or substantially relax the political activity restrictions of current law, based on the historically founded belief that a relaxation of these restrictions would pose a serious threat to the maintenance of a career merit system and erode public confidence in Federal employee impartiality. The enactment of such legislation would deprive employees of the protection which they now have from overt or subtle political pressures.

Moreover, by limiting the Government employee's involvement in partisan politics, the Hatch Act reduces the likelihood that an employee will allow partisan political views to interfere with the impartial execution of the Government's business.

In addition to the general concerns with these bills, the Administration has the following specific objections:

-- The potential for abuse is enormous under the provision relaxing the prohibition against exchange of political contributions;

-- No convincing evidence has been introduced which would warrant shifting responsibility for enforcing the Hatch Act from CSC to another agency, as proposed in House-passed bill;

-- The provision which requires the submission to the Congress of draft rules, regulations or amendments relative to Hatch Act administration is constitutionally objectionable.

BUDGET IMPACT: Minimal, representing salaries and expenses of newly created Board.

STATUS: IMMINENT. CSC testified on predecessor bills in the House on 3/25/75 and reported not in accord on H.R. 8617. CSC also testified and reported not in accord to Senate Cte on H.R. 8617.

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10/21/75 House passed H.R. 8617, amended (288-119).
3/11/76 Senate passed H.R. 8617 (47-32).
3/22/76 Conference completed action.
3/23/76 Conference report filed in House
3/30/76 House consideration of conference
report scheduled

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