ES& to the NEWS

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by PHYLLIS SCHLA.FLY

Box 618, Alton, Illinois 62002
Phone: 618-462-5415

The Hatch Act

The Hatch Act is the law that keeps Federal employees from being used as a political machine by their political superiors. It saves government employees from political arm-twisting, overt or subtle, and it saves the public from having the taxpayers• money used for political campaign funds.

The use of government workers as political tools and the milking of government workers for campaign funds was a problem that started as far back as 1791. The assassination of President Garfield by a disappointed office-seeker is one of the famous legacies of the spoils system.

For a century and a half, the complaints did not produce a remedy because they were usually voiced by the party that was not in power. The majority party was usually satisfied with the status quo.

President Franklin Roosevelt signed the Hatch Act in 1939. It was twice challenged in lawsuits. Finally the U.S. Supreme Court ruled that "Congress has the power to regulate within reasonable limits the political conduct of Federal employees in order to promote efficiency and integrity in the public service."

We are now'told that "election reform" demands the repeal or relaxation of the Hatch Act, principally on the ground that Federal emploees should have the same rights to political activism as other citizens.

However, no one has a constitutional right to hold a Federal job and, if you do hold one, you must abide by reasonable regulations. The Hatch Act both protects the public from arbitrary harassment by Federal political activists, and protects Federal employees from coercion and intimidation by their supervisors.

Demanding that Federal employees make financial contributions to certain candidates is only one of the cruder ways to politicize government workers. Many other subtle methods are just as coercive. All a boss has to do is to show

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cordiality/partiality to employees who show up at a fund-raising dinner, or distribute posters and campaign literature, and other employees quickly get the message.

Here are some of the realistic situations that could happen in the absence of the Hatch Act. Your Internal Revenue agent or OSHA inspector could ask you for a political contribution. Your mailman could ask you to sign a petition to put a candidate on the ballot. A Federal employee could take leave to run for office, and then return after he loses; how would he feel about those working under him who did not campaign for him?

One incident unearthed during the Bert Lance case provides a classic example of why the Hatch Act should not be repealed. Robert Bloom, First Deputy Comptroller of the U.S., testified before the Senate Governmental Affairs Committee on September 12 that his actions on the quest"on of r. Lance's confirmation were in part motivated by his concern about his own job security and promotion prospects.

Perhaps the Hatch Act needs tightening up. But if it were repealed or relaxed, it would convert the 2.8 million Federal employees into a partisan political machine.

In regard to the First Amendment, the rights of some government employees to get into politics must be balanced off against the rights of other government employees to stay out of politics.

The overriding consideration, however, should be the interest of the public in protecting citizens from harassment by politicized bureaucrats, preventing administrative decisions from being distorted by political pressures, and safe guarding the American people from being forced to finance the salaries of government employees who are working for political candidates and goals.

It took us 150 years to get the Hatch Act. We had better not give it up. We might not get it back.

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