

# Federal Laws and Association Activities

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The question is often asked "What activities are forbidden to employee organizations by Federal laws, particularly those enactments known as the Hatch Act and the Smith Connally Act?"

## THE HATCH ACT

The act of August 2, 1939 as amended by the act of July 19, 1940 commonly called the Hatch Act reads as follows:

"No officer or employee of any State or local agency whose principle employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office or effecting the result thereof, or (2) directly or indirectly coerce, attempt to coerce, command or advise any other such officer or employe to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No such officer or employe shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates."

The act requires the federally aided agency involved to report violations to the United States Civil Service Commission, whose duty it is to conduct hearings and assess penalties. The penalties provided are removal from office or employment and the loss of the right to hold such office or employment for 18 months thereafter. The act also provides that Federal aid grants may be withheld in an amount equal to two years compensation for the officers or employees involved. The act admits appeal to the courts and states that ignorance of the provisions of the act will not excuse violations. It has been interpreted to exclude from its purview

executive heads of State and local governments, such as governors, mayors, etc., however, part time or per diem employes have been ruled subject to the act while in active service.

## U. S. CIVIL SERVICE COMMISSION RULING

In a recent publication the United States Civil Service Commission has issued the following detailed interpretations:

"Partisan activity in connection with Municipal, County, State, or National elections, primary or regular, in which political party candidates are involved is prohibited."

"AMONG THE FORMS OF POLITICAL ACTIVITY PROHIBITED ON THE PART OF FEDERAL OR STATE OR LOCAL AGENCY OFFICERS AND EMPLOYEES WHO ARE WITHIN THE SCOPE OF THE ABOVE-QUOTED LAWS ARE—

Serving on or for any political committee, party, or other similar organization.

Soliciting or handling political contributions.

Serving as officer of a political club, as member or officer of any of its committees, addressing such a club or being active in organizing it.

Serving in connection with preparation for, organizing, or conducting a political meeting or rally, addressing such a meeting or taking any other active part therein except as a spectator.

Engaging in political conferences while on duty, or canvassing a district or soliciting political support for a party, faction, or candidate.

Manifesting offensive activity at the polls, at primary or regular elections, soliciting votes, assisting voters to mark ballots, or helping to get out the voters on registration or election days.

Acting as recorder, checker, watcher, or challenger of any party or faction.

Serving in any position of election officer, in which partisanship or partisan political management may be shown.

Publishing or being connected editorially or managerially with any newspaper generally known as partisan from a political standpoint; or writing for publication or publishing any letter or article, signed or unsigned, in favor of or against any political

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