

Several Million Americans Are Restricted in Political Activity

(Editor's note: With the November elections in the offing, millions of Americans are either freely taking part in campaigns or preparing to vote. But the political activities of several million other Americans are being restricted. This is because they are federal, state and municipal government employees who must obey the federal Hatch "Clean Politics" Act or be punished. What is this law and why was it enacted? The answers are provided in the following dispatch.)

By ARNOLD B. SAWISLAK
United Press International

Washington — With the November elections just around the corner, you may wear a campaign button, but you may not take voters to the polls in it.

You are one of more than two million federal, state and local government workers whose political lives are more closely governed than any other class of American citizens.

Instrument of Restrictions
The instrument of these restrictions is a 23-year-old federal law called the Hatch "Clean Politics" Act.

The law, actually entitled "An Act to Prevent Pernicious Political Activities," covers far more than this short list of do's and don'ts.

But it is pointed at a single goal—to keep government services and employees supported by the U. S. treasury out of organized party politics. At the same time, it tries to avoid any curbs on constitutional rights.

That is not easy to do, and there is disagreement whether the Hatch Act does it.

Congress has approved numerous changes since 1939 in the original bill by former Sen. Carl Hatch, (D-N.M.). It has rejected many more, including outright repeals.

This year, two amendments received attention. One was passed Sept. 27 but fate of the other was uncertain.

Passed and sent to the White House was a proviso reducing from 90 days to 30 days the minimum period in which a federal worker guilty of minor infractions of the act can be suspended without pay. President Kennedy's signature was certain.

Expected to Die
The second was a proposal to exempt more than 300 top-level state officials from coverage of the law. President Kennedy opposed that change and it was expected to die in committee.

There is little argument that the act has kept a tight rein on the political activities of 2.2 million federal workers. Some charge, in fact, that it is so drastic that they have been turned into political eunuchs.

Similar charges have been made about the impact on the much smaller number of state and local government employees it is supposed to cover. But those who have watched the statute in operation say that lack of knowledge of its terms outside Washington, combined with short-staffed enforcement efforts, have permitted many state and local violations which have gone unpunished.

Some of the confusion and dispute stem from the fact that the Hatch Act does not prescribe the political activities of everyone in government.

Military Not Covered
Except for its criminal law sections, it does not touch elected officials or legislative and judicial employees in the federal, state and local governments. The military also is not covered.

The law also exempts appointed federal officials at the cabinet and policy-making levels.

But high-level appointed state officials are subject to the law, and this has piled trouble on trouble.

Backers of the exemption amendment argued it was rank injustice to restrict the political life of a state highway director who handles millions of federal dollars while allowing political freedom to the U. S. secretary of commerce who administers billions of highway money.

Closer to Disbursement
Opponents countered that the state official is much closer to actual disbursement of the funds and to the every-

day give and take of partisan politics. This, they contended, was likely to leave to political misuse of federal dollars.

There also appears to be uncertainty among state and local officials about which of their lower-echelon employees are under the act. The law itself says it covers those whose "principal employment is in connection with any activity which is financed in whole or part by loans or grants made by the United States or by any federal agency." Another section exempts teachers and re-

searchers in schools and colleges.

That might appear to be clear language, but it strikes no common chord among state officials.

While coverage of the act may be somewhat misty, its penalties are clear. In general, it divides "pernicious political activities" into two types.

The first, carrying prison terms and heavy fines, includes such offenses as using official authority to influence elections, promising to re-

ward political supporters with government jobs and threatening loss of benefits for soliciting political contributions from persons receiving welfare aid.

The last provided the clue to the situation that started Congress thinking about the Hatch Act in the first place. The law grew out of complaints in the late 1930's that federal relief money was being distributed on a political basis.

Enforced by Department
The criminal sections are enforced by the Justice de-

partment. It also handles provisions outlawing intimidation of voters by anyone and limiting individual campaign contributions in federal elections to \$5,000.

The second type of banned activity is taking "any active part in political management or in political campaigns." This section is enforced by the civil service commission and does not carry criminal penalties.

But violations can cost a federal worker his job, or at the least, suspension.

One issue that commission

officials regard as "a toughie" is the question of federal employees wearing political buttons or pasting campaign stickers on their cars.

Buttons and stickers are not prohibited but commission regulations say "it is regarded as contrary to the spirit of the law for the public servant to make a partisan display of any kind while on duty conducting the public business."

The commission has considered 3,378 complaints alleging Hatch Act violations

by federal employees since 1940. Its investigations resulted in the removal of 220 workers and 321 suspensions, most of them for the minimum 90-day period.

On the state and local level, punishment for violations sits less heavily. The commission can recommend, but not require, the discharge of a violator who does not work for the federal government but is covered by the law.

If the state or local government won't fire the offender, the commission's only re-

course is to withhold from federal aid payments an amount equal to twice the violator's yearly pay.

Not Heavy Punishment
This apparently is not regarded as heavy punishment, especially because it is imposed only once, whether the worker continues his violations or not. Also, the penalty often represents only a small part of the federal aid.

Thus, both Alabama, in the recent case of Highway Director Sam Englehardt Jr., and Illinois, in an earlier case involving former conservation director Glen D. Palmer, chose to take the monetary penalty rather than discharge the official.

Alabama lost \$30,000 from its federal highway aid because Englehardt held the dual posts of state highway chief and state Democratic party chairman. He still has the state job, but has dropped the party post.

Trying to Appeal Case
The state is trying to appeal a federal court decision upholding the penalty.

The Illinois case was settled this summer after several years of litigation.

Illinois lost \$24,000 in federal fish and game aid because Palmer was both state conservation chief and a county Republican chairman during the period 1958-60. He left office after the Democrats took over the state house in 1960, but that was too late to satisfy the law.

In all, the commission since 1940 has looked into 801 complaints about political activity by state and local officials. During that period, it ordered 58 removals.

The commission also established violations in 73 other cases but did not find sufficient cause for removal. The rest of the complaints were dismissed.

On this record, some observers contend the commission has only scratched the surface in enforcement at

the state and local levels. Officials do not deny this. But they point out the commission has only \$83,000 a year and three full-time attorneys to enforce the law.

In Charge of Enforcement
Lawrence V. Meloy, the commission's general counsel, has been in charge of enforcement since 1952. He personally screens complaints and decides which should be followed up. The commission acts only on complaints and does not go into the field looking for violations without evidence of their existence.

Meloy and his small staff feel that the state cases which have been carried through have had a good effect in restraining violations.

Meloy feels Congress would appropriate more money if it wanted tighter enforcement. And there seems to be some merit to this. Most attempts to change the act in the last two decades have been directed toward easing, rather than tightening its restrictions.

Nepali Traders Conducting Brisk Business

By M. M. GUPTA
United Press International

Katmandu, Nepal — About 200 Nepali traders are doing a brisk business with their Tibetan counterparts through mountain passes on the 500-mile border.

There are about 18 such passes and most of them remain snow-covered throughout the year.

The merchandise varies from candles to cornflour. What worries government officials is the suspicion that steady supplies of gasoline, steel and kerosene find a ready way into Chinese Communist-controlled Tibetan markets.

'Imported' from Nepal
According to one trader, Tibet "imported" 2,000 gallons of gasoline, 3,000 cans of kerosene and about 20 tons of steel from Nepal during August through one pass alone.

Since Nepal doesn't produce any of the above by itself, India remains its chief supplier. The Indians resent the resale of such defense supplies to their Chinese rivals.

Nepalese traders delivering goods at the Tibetan posts are treated lavishly by the Tibetan officials, the Nepali trader said.

According to informed sources, Nepali traders are prohibited from selling their goods to Tibetan individuals. All sales are handled by Chi-

nese officials through local "consumer goods stores."

Commodities in great demand in Tibet include dry batteries, soaps, mustard oil, sugar and cornflour.

Price of Gasoline
Gasoline purchased in Nepal markets at \$1.00 per gallon is sold to Tibetan trading stores for the local equivalent of \$8.00.

Gasoline, steel and kerosene exports from Nepal are banned by the government. When asked how these regulations were being violated by Nepali traders, Nepalese officials said they had no knowledge of such smuggling activities across their borders.

Nepal's foreign minister, Rishikesh Shah, told a press conference in New Delhi that a ban on such trade had been imposed six months ago.

But the most concerned is the government of India for most of these commodities are imported by Nepal from India. An Indian observer said, "We naturally don't like the Chinese Reds to use some of our own goods for strengthening their frontier guard."

near the Tibetan capital city of Lhasa, said he was selected at the age of 13 by the Chinese-controlled Tibetan government, for training as a medical corpsman and village administrator.

After Chinese Takeover
That was shortly after the Chinese takeover, when the Buddhist Dalai Lama who ruled Tibet from a palace on a towering mountain overlooking Lhasa, was forced to flee the country.

Gyatso said that at the age of 17 he was sent to a special Chinese school for Tibetans at Shan Yan where he lived with 2700 other trainees ranging in age from 13 to 30.

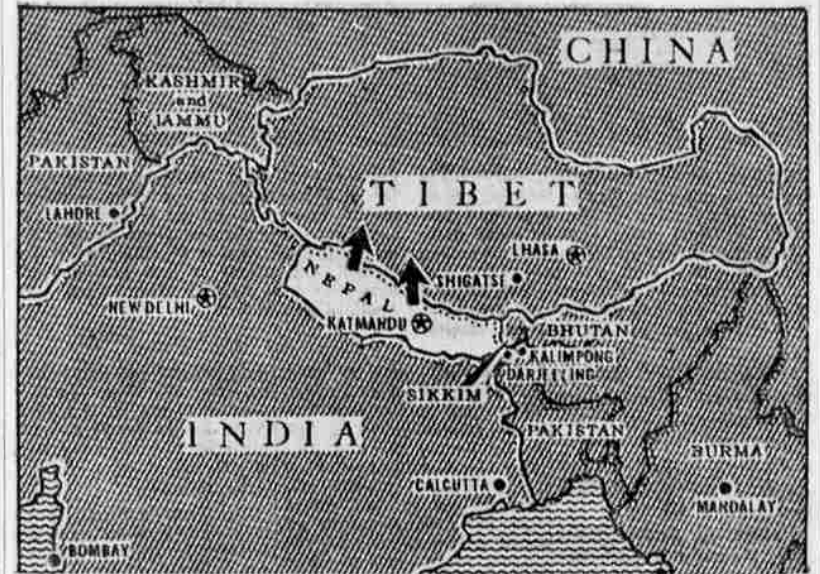
There, the Tibetans were heavily indoctrinated against their own former government and against the Buddhist religion. Teachers and lecturers touted the glories of Communism and the New China.

Students were expected to spy on each other, and make public confessions of any anti-Chinese thoughts that entered their heads.

Gyatso said he was shipped off to an administrative post at the town of Chu-Sura 40 miles west of Lhasa in 1959, after the Chinese crushed an abortive Tibetan revolt.

Spy on Residents
He said his chief duty was to spy on Tibetan residents of the town and compile lists of Tibetans who harbored anti-Chinese feelings.

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PASS TRADING—Trade between Nepal and Tibetan traders through mountain passes along the Tibet-Nepal border are reported to be supplying Chinese Communist held Tibet with such items as gasoline, kerosene and steel. Since India is the chief supplier of these items to Nepal, there is suspicion in India that her own goods are being used to strengthen frontiers of rival Red China. (UPI)

Chinese Reds Trying to 'Chinify' Tibet

By B. K. Tiwari
United Press International

New Delhi — Red China intends to stamp out the Tibetan way of life and completely "Chinify" the colorful mountain nation, reports a young Tibetan official who fled to India.

Tsong Drue Gyatso, 23, graduate of a special Chinese school for Tibetans, predicted his people will become a minority within their own country in 10 years.

Gyatso, native of a village

near the Tibetan capital city of Lhasa, said he was selected at the age of 13 by the Chinese-controlled Tibetan government, for training as a medical corpsman and village administrator.

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Students were expected to spy on each other, and make public confessions of any anti-Chinese thoughts that entered their heads.

The only times they were

allowed to wear Tibetan clothing were when touring Russian officials were brought to the school on visits.

About the only bright spots were the relatively good pay and the constant companionship of Chinese girls, who functioned as both dates and political indoctrinators, Gyatso recalled.

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off to an administrative post at the town of Chu-Sura 40 miles west of Lhasa in 1959, after the Chinese crushed an abortive Tibetan revolt.

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Gyatso said he first aroused the suspicions of the Chinese

by protesting against Chinese using Tibetan religious manuscripts as shoe soles.

He told interviewers here he arranged a vacation in his home town, where his fellow Tibetans welcomed him and got up a petition asking his transfer there. This aroused more resentment among the Chinese and he fled by night over the Nathu La Pass into Sikkim.



TIBETAN LEADERS — Pro-Communist Pachen Lama (rear) rides behind former Tibetan leader Dalai Lama, center, in this picture taken in 1956. A former Tibetan official under Red Chinese, Tsong Drue Gyatso, 23, said in New Delhi, India, recently that his people will become a minority within their own country within the next 10 years. Gyatso, forced to escape Communist China recently, said he first aroused their suspicions when he protested against their using Tibetan religious manuscripts as shoe soles. (UPI)

Sheriff's Office Clears 59 Cases During September

The Jackson county sheriff's office cleared 59 cases and closed 173 cases in September, according to Sheriff Paul Bettini.

Cases cleared require an in-

vestigation and arrest, he pointed out. Cases closed do not require an arrest.

Of the cases cleared last month, 47 were received during the month and 12 from prior months this year. Of the cases closed, 170 were received in September and three in prior months.

Eighteen cases received last month proved unfounded. Two received from prior months proved unfounded.

Most of the complaint reports issued concerned non-criminal cases, 186. A total of 86 complaints was received on misdemeanor cases and 35 in felony cases.

Cases still pending at the

end of September total 77. Fifty warrants were received and 34 served or recalled during the month.

A total of 321 civil processes were filed for service. The value reported lost through theft in September totaled \$6,868.66 and \$502.37 was reported lost from worthless checks.

Number of complaints received show a slight decrease compared to the previous month, 312 in September compared to 374 in August.

The overall trend shows a steady increase, from 119 in September, 1957; 144 in September, 1958; 270 in September, 1959; 265 in September, 1960; and 303 in September, 1961.

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