

INFORMATION FOR APPOINTEE

(The appointee will detach this portion of the sheet and retain it for his information and guidance)

I. APPOINTMENT OF MORE THAN TWO MEMBERS OF A FAMILY

Section 9 of the Civil Service Act provides that whenever there are already two or more members of a family in the classified service no other member of such family shall be eligible to appointment in that service. Under War Service Regulations the members of family provision does not apply to temporary appointments for one year or less.

The Attorney General has decided that the family consists of those who live under the same roof with the head of the family and form a part of his fireside, but when they branch out and become heads of new establishments they cease to be a part of the father's family. Minors do not establish another family merely by living at an address different from that of the parents. An appointment is illegal if ineligibility has resulted from the appointment of some other member or members of the applicant's family.

II. MEMBERSHIP IN SUBVERSIVE ORGANIZATIONS

Section 9(a) of Public 252, 76th Congress, approved August 2, 1939, otherwise known as the "Hatch Act," provides:

"(1) It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof is paid from funds authorized or appropriated by any act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

"(2) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person."

It is provided in various appropriation acts that no part of the funds so appropriated shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence, and that an affidavit shall be considered *prima facie* evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence. Such acts provide further that any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment, the salary or wages for which are paid from any such appropriation, shall be guilty of a felony, and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both, and that the above penalty shall be in addition to, and not in substitution for, any other provisions of existing law.

III. HOLDING STATE OR LOCAL OFFICE

Persons holding Federal civil office by appointment are by the terms of the Executive orders of January 17 and 28, 1873, prohibited from accepting or holding an office or position under the State, territorial, county, or municipal government. There are certain specific exceptions set forth in the original orders and subsequent amending orders, which exceptions are published in Civil Service Form 1236. Before any person appointed to the Federal service accepts or continues to hold any office or position under the State or local government, the matter should be presented to the appropriate authorities of the department in which he is employed for a decision as to the possible application of the Executive orders of 1873 and the employee regulations of the department.

IV. POLITICAL ACTIVITY

The terms of the act of August 2, 1939, as amended, prohibit officers and employees in the Executive branch of the Federal Government from using official authority or influence for the purpose of interfering with an election or affecting the result thereof. Further, such officers and employees are prohibited from taking any active part in political management or in political campaigns. It has been held that these prohibitions also apply to temporary employees, employees on leave of absence with or without compensation, and substitute employees during the period of active employment. Political activity identified with any political party in any election is prohibited.

Some of the forms of forbidden political activity 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 party or candidate. (Ownership entirely dissociated from editorial control and managerial activities limited entirely to business management would not be regarded as being within this provision.)

Becoming a candidate for nomination or election to office, Federal, State, or local, which is to be filled in an election in which party candidates are involved.

Distributing campaign literature or material.

Initiating or circulating political petitions, including nomination petitions.

Assuming political leadership or becoming prominently identified with any political movement, party, or faction, or with the success or failure of any candidate for election to public office.

General statements as to certain activities which are considered as permissible on the part of Federal officers and employees:

Voting.—The direct language of the law specifically provides that all such persons retain the right to vote as they may choose.

Expression of Opinions.—The right to express political opinions is reserved to all such persons. NOTE: This reservation is subject to the prohibition that such persons may not take any active part in political management or in political campaigns.

Contributions.—It is lawful for any officer or employee to make a voluntary contribution to a regularly constituted political organization, provided such contributions are not made in a Federal building or to some other officer or employee within the scope of the above-quoted statutes.

Political Pictures.—It is lawful for any officer or employee to display a political picture in his home if he so desires.

Badges, Buttons, and Stickers.—While it is not unlawful for an officer or employee to wear a political badge or button or to display a political sticker on his private automobile (except where forbidden by local ordinance), it is felt that it is inappropriate for any public servant to make a partisan display of any kind while on duty, conducting the public business.

Penalties.—Persons appointed to positions in the Executive branch of the Federal Government are warned that the penalty for an established violation of the above-mentioned political activity prohibitions is immediate removal from the service.

V. POLITICAL ASSESSMENTS, POLITICAL COERCION AND DISCRIMINATION, AND PURCHASE AND SALE OF PUBLIC OFFICE

In addition to the restrictions of the act of August 2, 1939, as amended, the civil-service rules, Executive orders, and departmental regulations, officers and employees in the Executive civil service are also subject to the restrictions of a number of Federal statutes. These statutes are generally applicable to all officers and employees of the United States whether or not in the classified service, and in some cases the language of the statute is sufficiently broad to include any person receiving compensation for services from money derived from the Treasury of the United States, and other persons. The text of these restricting statutes are set forth in Civil Service Form 1236. Some of the activities prohibited under penalty of fine and/or imprisonment are as follows:

1. Solicitation or receipt of political contributions by one officer or employee from another.
2. The giving or handing over of a political contribution by one employee to another.
3. Solicitation or receipt of political contributions in a Federal building by any person, whether or not an employee of the Government.
4. Solicitation or receipt by any person of political contributions from any person receiving any benefit under any act of Congress appropriating funds for relief.

5. Solicitation or receipt of any thing of value, either for personal reward or as a political contribution, in return for the promise to use, or the use of, influence to secure an appointive office under the United States.

6. Payment or the offer of payment for the use of influence in securing an appointive office under the United States.

7. Promising employment, compensation, or other benefit made possible by act of Congress as consideration or reward for political activity.

8. Discrimination by an officer or employee in favor of, or against, another officer or employee on account of political contributions.

9. Depriving any person on account of race, creed, color, or political activity, of compensation or other benefit made possible by any act of Congress appropriating funds for relief.

10. Disclosure for political purposes of any list or names of persons receiving benefits under an act of Congress appropriating funds for relief and the receipt of such a list for political purposes.

VI. POLITICAL RECOMMENDATIONS

Political recommendations for appointment or promotion are contrary to the civil-service rules. Civil-service rule XI, section 3, provides that "No recommendation for promotion except in the regular form of periodical service-rating reports or unless it be made by the person or persons under whose supervision such employee has served shall be considered by any officer concerned in making promotions. Recommendation in any other form or by any other person, if made with the knowledge and consent of the employee, shall be sufficient cause for debarring him from the promotion proposed, and a repetition of the offense shall be sufficient cause for removing him from the service."

VII. INSTRUCTION OF APPLICANTS

Instruction by officers or employees of the Government of a person with a view to his special preparation for civil-service examination is contrary to an Executive order.