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VETO OF H.R. 20

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS VETO OF H.R. 20, A BILL TO AMEND TITLE 5, UNITED STATES CODE, TO RESTORE TO FEDERAL CIVILIAN EMPLOYEES THEIR RIGHT TO PARTICIPATE VOLUNTARILY, AS PRIVATE CITIZENS, IN THE POLITICAL PROCESSES OF THE NATION, TO PROTECT SUCH EMPLOYEES FROM IMPROPER POLITICAL SOLICITATIONS, AND FOR OTHER PURPOSES

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To the House of Representatives:

I am returning herewith without my approval H.R. 20, the "Hatch Act Reform Amendments of 1990." This bill would alter unacceptably the provisions of Federal law, commonly known as the Hatch Act, that bar Federal employees from active participation in partisan politics.

As one who has devoted much of his life to public service, I take great pride in the integrity of our Federal work force. Thus, to protect Federal employees from political pressure and preserve the impartial, evenhanded conduct of Government business, I am obligated to disapprove H.R. 20.

Originally enacted in 1939 as a bulwark against political coercion, the Hatch Act has successfully insulated the Federal service from the undue political influence that would destroy its essential political neutrality. It has been manifestly successful over the years in shielding civil servants, and the programs they administer, from political exploitation and abuse. The Hatch Act has upheld the integrity of the civil service by assuring that Federal employees are hired and promoted based upon their qualifications and not their political loyalties. It also has assured that Federal programs are administered in a nonpartisan manner, which is critical to maintaining the public's confidence and trust in the operations of Government.

H.R. 20 would effectively repeal the Hatch Act's essential prohibitions on partisan political activity by Federal civil servants. It also would convert the present rule that partisan politicking by Federal civil servants is prohibited, into a presumption that such partisan campaigning should be encouraged.

Under this legislation, Federal employees would be able to participate actively in partisan political campaigns and hold official positions in political parties; actively endorse partisan political candidates in the public media; and solicit political contributions in most situations from other employees who are members of the same "employee labor organization" for that organization's political action committee. The obvious result of the enactment of H.R. 20 would be unstated but enormous pressure to participate in partisan political activity.

History shows that such a reversal in the role of partisan politics in the ethic of public service would inevitably lead to repoliticizing the Federal work force. The sanctions provided in the bill would add little if anything to the effectiveness of existing criminal prohibitions. Moreover, experience with enforcement of criminal anti-patronage laws shows that the Federal criminal justice process is ill-suited to the task of protecting Federal employees from subtle political coercion. Public servants who are subjected to direct or indirect partisan political pressures understandably would often be reluctant to file criminal complaints against their superiors or peers,

possibly putting their livelihoods in jeopardy. They deserve better protection than that.

Overt coercion is difficult enough by itself to guard against and detect. The more subtle forms of coercion are almost impossible to regulate, especially when they arise in a climate in which the unspoken assumption is that political conformity is the route to achievement and security. Such a climate leads inexorably to subtle, self-imposed pressures on employees to conform, or appear to conform, to whatever political tendency will assure greater job security.

After all the debate, no real need to repeal the existing Hatch Act has been demonstrated. Under present law, the Hatch Act allows Federal employees to engage in a variety of forms of political expression. Only forms of active participation on behalf of partisan political causes and candidates are barred. The Supreme Court has twice determined that these limits on active partisan political activity are constitutional. These rules provide reasonable balance between participation in the political process by Federal civil servants and the need to protect them from harassment and coercion that would jeopardize the fair and impartial operation of the Government. H.R. 20 poses a grave threat to that delicate balance.

Indeed, the lack of any grass-roots clamor for repeal of the Hatch Act either now, or at any time during its 50-year existence, testifies to the support this statute has received within the ranks of the Federal civil service and among the general public.

I am firmly convinced that any appreciable lessening of the current protections afforded to Federal civil servants by the Hatch Act will lead to the repoliticization of the civil service and of the programs it administers. We cannot afford, in the final decade of this century, to embark on a retreat into the very worst aspects of public administration from the last century.

GEORGE BUSH.

THE WHITE HOUSE, *June 15, 1990.*