
Franklin D. Roosevelt — “The Great Communicator”
The Master Speech Files, 1898, 1910-1945

**Series 2: “ You have nothing to fear but fear itself:” FDR
and the New Deal**

File No. 1237

1939 August 2

**Message to Congress re an Act to Prevent
Pernicious Political Activities (the Hatch Act)**

August 2, 1939

CONFIDENTIAL: To be held in STRICT CONFIDENCE and no portion, synopsis or intimation to be published or given out until the READING of the President's Message has begun in the Senate or the House of Representatives. Extreme care must therefore be exercised to avoid premature publication.

1317

STEPHEN EARLY
Secretary to the President

- - - - -
TO THE CONGRESS OF THE UNITED STATES:

Because there have been so many misrepresentations, some unpremeditated, some deliberate, in regard to the attitude of the Executive branch of the Government in relation to Senate Bill 1871, "An Act to Prevent Pernicious Political Activities", and because a number of questions have been raised as to the meaning and application of some of its provisions, I deem it advisable at the time of executive approval to make certain observations to the Congress of the United States.

The genesis of this legislation lies in the message of the President of January 5, 1939, respecting an additional appropriation for the Works Progress Administration. I said in that message: "It is my belief that improper political practices can be eliminated only by the imposition of rigid statutory regulations and penalties by the Congress, and that this should be done. Such penalties should be imposed not only upon persons within the administrative organization of the Works Progress Administration, but also upon outsiders who have in fact in many instances been the principal offenders in this regard. My only reservation in this matter is that no legislation should be enacted which will in any way deprive workers on the Works Progress Administration program of the civil rights to which they are entitled in common with other citizens."

Furthermore, in applying to all employees of the Federal Government (with a few exceptions) the rules to which the Civil Service employees have been subject for many years, this measure is in harmony with the policy that I have consistently advocated during all my public life, namely, the wider extension of Civil Service as opposed to its curtailment.

It is worth noting that nearly all exemptions from the Civil Service, which have been made during the past six years and a half, have originated in the Congress itself and not in the Executive.

Furthermore, it is well known that I have consistently advocated the objectives of the present bill. It has been currently suggested that partisan political reasons have entered largely into the passage of the bill: but with this I am not concerned, because it is my hope that if properly administered the measure can be made an effective instrument of good government.

As is usual with all bills passed by the Congress, this bill has been examined, on its receipt at the Executive Offices, by the appropriate Departments or Agencies, in this case the Attorney General of the United States and the Civil Service Commission.

The Attorney General has advised me that it seems clear that the Federal Government has the power to prescribe as qualifications for its employees that they refrain from taking part in other endeavors which, in the light of common experience, may well consume time and attention required by their duties as public officials. He points out, however, that such qualifications cannot properly preclude government employees from the exercise of the right of free speech or from their right to exercise the franchise.

The question of constitutionality being resolved in favor of the bill, our next inquiry relates to the exercise and preservation of these rights. It is obvious that the intent of the bill is to follow broadly the provisions of Civil Service regulations that have existed for many years in regard to political activities of Federal employees.

It is because I have received and will continue to receive so many queries asking what a government employee may or may not do that it seems appropriate at the outset to postulate the broad principle that if the bill is administered in accord with its spirit, and if it is in the future administered without abuse, oppression or groundless fear, it will serve the purpose intended by the Congress.

For example, I have been asked by employees of the government whether under this law they would lose their positions if they merely attend political meetings. The answer is, of course, no.

I have been asked whether they would lose their positions if they contributed voluntarily to party or individual campaign funds without being solicited. The answer is, of course, no.

I have been asked whether they would lose their positions if they should merely express their opinion or preference publicly -- orally, by radio, or in writing -- without doing so as part of an organized political campaign. The answer is no.

I have been asked if citizens who have received loans from the Home Owners Loan Corporation, from the Farm Credit Administration or its subsidiaries, from the Farm Security Administration, from the Reconstruction Finance Corporation and other government lending agencies, would be subject to the terms of this bill. The answer is no.

I have been asked whether farmers receiving farm benefits would be bound by the terms of the bill. Again the answer is no.

I have been asked if government employees who belong to Young Republican Clubs, Young Democratic Clubs, Civil Service Reform Associations, the League of Women Voters, the American Federation of Labor, the Congress of Industrial Organizations, and similar bodies are subject to the penalties of the measure because of mere membership in these organizations. The answer is no.

There will be hundreds of similar questions raised in the actual administration and enforcement of this bill. Such questions will be asked in most cases by individuals in good faith. And it is only fair that they should receive an answer. I am, therefore, asking the Attorney General to take the necessary steps through the new Civil Liberties unit of the Department of Justice in order that the civil rights of every government employee may be duly protected and that the element of fear may be removed.

I have been asked if the bill applies to veterans -- Civil War, Indian Wars, the War with Spain, the World War -- retired officers and men of the Army, Navy and Marine Corps who, though not government employees are receiving benefits or pensions of one kind or another. The answer is, of course, no.

I have been asked if the Act applies to those who get government benefits under the Social Security Act in the form of old age pensions or in the form of unemployment compensation. The answer is no.

Finally, I have been asked various questions relating to the right of a government employee publicly to answer unwarranted attacks made on him or on his work or on the work of his superiors or on the work of his subordinates, notwithstanding the fact that such attacks or misrepresentations were made for political purposes by newspapers or by individuals as a part of a political campaign.

This raises the interesting question as to whether all government officials except the President and Vice President, persons in the office of the President, heads and assistant heads of Executive Departments and policy determining officers appointed by and with the advice and consent of the Senate must remain mute if and when they or the work with which they are concerned is attacked and misrepresented in a political campaign or preliminary thereto.

It will be noted that the language of the Bill wholly excludes members or employees of the Legislative Branch of the Government from its operation.

It can hardly be maintained that it is an American way of doing things to allow newspapers, magazines, radio broadcasters, members and employees of the Senate and House of Representatives and all kinds of candidates for public office and their friends to make any form of charge, misrepresentation, falsification or vituperation against the acts of any individual or group of individuals employed in the Executive Branch of the Federal Government with complete immunity against reply except by a handful of high executive officials. That, I repeat, would be un-American because it would be unfair, and the great mass of Americans like fair play and insist on it. They do not stand for any gag act.

It is, therefore, my considered opinion, in which the Attorney General of the United States joins me, that all Federal employees, from the highest to the lowest, have the right publicly to answer any attack or misrepresentation, provided, of course, they do not make such reply as part of active participation in political campaigns.

The same definition of fair and proper administration of the Bill applies to the right of any government employee, from the highest to the lowest, to give to the public factual information relating to the conduct of government affairs. To rule otherwise would make it impossible for the people of the United States to learn from those who serve the government vital, necessary and interesting facts relating to the manifold activities of the Federal Government. To rule otherwise would give a monopoly to originate and disseminate information to those who, primarily for political purposes, unfortunately have been given to the spreading of false information. That again is unfair and, therefore, un-American.

It is, I am confident, the purpose of the proponents of this legislation that the new law be thus administered so that the right of free speech will remain, even to those who serve their government; and that the government itself shall have full right to place all facts in its possession before the public. If some future Administration should undertake to administer this legislation to the detriment of these rights, such action would be contrary to the purpose of the Act itself and might well infringe the constitutional rights of citizens. I trust that public vigilance will for all time prevent this.

The Attorney General calls my attention to a practical difficulty which should be corrected by additional legislation as soon as possible. For many years there has been an exception to the Civil Service regulation whereby employees permanently residing in the District of Columbia or in municipalities adjacent thereto may become candidates for or hold municipal office in their municipalities. This and a few similar exceptions should, I believe, be maintained.

The other question relates to the fact that the bill does not in any way cover the multitude of State and local employees who greatly outnumber Federal employees and who may continue to take part in elections in which there are candidates for Federal office on the same ballot with candidates for state and local office. It is held by many who have examined the constitutional question that because the Congress, under the Constitution, may maintain the integrity of Federal elections, it has the power to extend the objectives of this bill so as to cover State and local government employees who participate actively in Federal elections. This is at least worth the study of the Congress at its next session and therefore before the next Federal election.

It is because for so many years I have striven in public life and in private life for decency in political campaigns, both on the part of government servants, of candidates, of newspapers, of corporations and of individuals that I regard this new legislation as at least a step in the right direction.

FRANKLIN D. ROOSEVELT

The White House

August 2, 1939

Draft of Message Sent up to
Congress

TO THE CONGRESS OF THE UNITED STATES:

Because there have been so many misrepresentations, *which* unpremeditated ~~and~~ ^{which} deliberate, in regard to the attitude of the ~~administrative~~ ^{executive} branch of the Government in relation to Senate Bill 1871, "An Act to Prevent Pernicious Political Activities", ~~and~~ ^{and because a number of questions} I deem it advisable at the time of executive approval to make certain observations to the Congress of the United States.

has been raised as to the meaning and effect of the 11th Amendment

The genesis of this legislation lies in the message of the President of January 5, 1939, respecting an additional appropriation for the Works Progress Administration. I said in that message: "It is my belief that improper political practices can be eliminated only by the imposition of rigid statutory regulations and penalties by the Congress, and that this should be done. Such penalties should be imposed not only upon persons within the administrative organization of the Works Progress Administration, but also upon outsiders who have in fact in many instances been the principal offenders in this regard. My only reservation in this matter is that no legislation should be enacted which will in any way deprive workers on the Works Progress Administration program of the civil rights to which they are entitled in common with other citizens."



A

page 2.

Furthermore, in applying to all employees of the Federal Government (with a few exceptions) the rules to which the Civil Service employees have been subject for many ~~decades~~ years, this measure is in harmony with the policy that I have consistently advocated during all my public life, namely, the wider extension of civil service as opposed to its curtailment. It is worth noting, the

A

~~insofar as my own position is concerned, I invite~~
the attention of the Congress to the fact that this bill
applies to all ^{Federal} government servants, with few exceptions, the
rules to which Civil Service employees have been held for
many decades, and that in every public position which I have
held I have advocated and striven for the extension and not
the limitation of the Civil Service. ^{It} It is worth noting that
nearly all exemptions from the Civil Service, which have been
~~made~~ ^{made} during the past six years and a half, have originated
in the Congress itself and not in the Executive.

Furthermore, it is well known that I have consistently
advocated the objectives of the present bill. It has been
currently suggested that partisan political reasons have
entered largely into the passage of the bill: but with this
I am not concerned, because ^{it is my hope that it properly} ~~the principal purpose of the~~
~~bill~~ ^{administered the measure can be made an effective}
~~proving government has, I hope, been in the minds of all of~~
~~instrument of good government~~

As is usual with all bills passed by the Congress,
this bill has been examined on its receipt at the Executive
Offices by the appropriate Departments or Agencies, in this
case the Attorney General of the United States and the
Civil Service Commission.

The Attorney General, ~~as is customary, reviews the bill from the point of view of constitutionality.~~ He has advised me that it seems clear that the Federal Government has the power to prescribe as qualifications for its employees that they refrain from taking part in other endeavors which, in the light of common experience, may well consume time and attention required by their duties as public officials. He points out, however, that such qualifications cannot properly preclude government employees from the exercise of the right of free speech or from their right to exercise the franchise.

The question of constitutionality being resolved in favor of the bill, ^{that inquiry relates to the exercise and} ~~the next examination turns on the ex-~~

~~the~~ of these rights. It is obvious that the intent of the bill is to follow broadly the provisions of Civil Service regulations, ^{that} ~~which~~ have existed for many years ⁱⁿ ~~in~~ regard to political activities of Federal employees.

It is because I have received so many queries ^{and will continue to receive}

asking what a government employee may or may not do that ^{appropriate at the outset to fortulate} it seems reasonable ~~to lay down~~ the broad principal that

if the bill is administered in accord with its spirit, and
if it is ~~never~~ in the future administered ~~in such a way as~~ ^{without abuse,}
to create oppression or groundless fear, it will serve ~~the~~ ^{the}
purpose ^{intended by the Congress.}

For example, I have been asked by employees of the
government ^{whether this law} ~~and~~ under ^{merely} ~~it~~ they would lose their positions if
they attended political meetings. The answer is, of course,
no.

I have been asked ^{whether} ~~if~~ they would lose their positions
if they contributed voluntarily to party or individual
campaign funds without being solicited. The answer is, of
course, no.

B I have been asked if they would lose their positions
if they freely and openly expressed their preference in any
campaign orally, by radio, or in writing, provided they did
not do so under the auspices of ~~any~~ ^a political organization.
The answer is, of course, no.

~~Finally, I have been asked~~ ^{various questions} relating
to the right of a government employee publicly to answer
unwarranted attacks made on him or on his work or ^{on} the work
of his superiors or ^{on} the work of his subordinates, ^{not with standing} ~~whether~~ ^{in fact}
~~such~~ attacks or misrepresentations were made for
political purposes by newspapers or by individuals as a



B

Page 4.

I have been asked
whether they would lose their
positions if they should merely
express their opinion or preference,
^{publicly} orally, by radio, or in writing,
without doing so as part of
an organized political campaign.
The answer is no.

INSERT *OC*

I have been asked if citizens who have received loans from the Home Owners Loan Corporation, from the Farm Credit Administration, or its subsidiaries, from the Farm Security Administration, from the Reconstruction Finance Corporation and other government lending agencies, would be subject to the terms of this bill. The answer is, ~~of course~~, ^{no}. ^A I have been asked whether farmers receiving farm benefits

would be bound by the terms of the bill. Again the answer is no. ^B I have been asked if government employees who belong to Young Republican Clubs, Young Democratic Clubs, Civil Service Reform Associations, the League of Women Voters, the American

Federation of Labor, the ^{Lungwin} ~~Committee~~ for Industrial Organization, ^{and similar bodies are subject to the penalties of this measure} ~~are bound~~ because of the ~~fact of their~~ membership in these organizations. The answer is, ~~of course~~, ^{no}. ^A There will

be hundreds of similar questions raised in the actual administration and enforcement of this bill. Such questions will be asked in most cases by individuals in good faith. And it is only fair that they should receive an answer. I am,

therefore, asking the Attorney General to ^{take} ~~see up~~ the necessary ^{steps through} ~~steps through~~ the new Civil Liberties ^{section} ~~section~~ of the Department of Justice in order that the civil rights of every government employee may be duly protected and that the element of fear may be removed.

INSERT *C*

PAGE 2

I have been asked if the bill applies to veterans -- Civil War, Indian Wars, the War with Spain, the World War, retired officers and men of the Army, Navy and Marine Corps who ~~are~~ *though* *not government employees are* receiving benefits or pensions of one kind or another. The answer is, of course, no.

I have been asked if the Act applies to those who get government benefits under the Social Security Act in the form of old age pensions or in the form of unemployment compensation. The answer is, ~~of course,~~ no.

part of a political campaign.

This raises the interesting question as to whether all government officials except the President and Vice President, persons in the office of the President, heads and assistant heads of Executive Departments and policy determining officers appointed by and with the advice and consent of the Senate must remain mute if and when they or the work with which they are concerned is attacked and misrepresented in a political campaign or preliminary thereto.

It will be noted that the language of the bill wholly excludes members or employees of the Legislative Branch of the Government *from its operation.*

It can hardly be maintained that it is an American way of doing things to allow newspapers, magazines, radio broadcasters, members and employees of the Senate and House of Representatives and all kinds of candidates for public office and their friends to make any form of charge, misrepresentation, falsification or vituperation against the acts of any individual or group of individuals employed in the Executive Branch of the Federal Government with complete immunity against reply except by a handful of high executive officials. That, I repeat, would be un-American because it

would be unfair, and the great mass of Americans like fair-play and insist on it. *They do not stand for any gag act.*

It is, therefore, my considered opinion, in which the Attorney General of the United States joins me, that all Federal employees, from the highest to the lowest, have the right publicly to answer any attack or misrepresentation, provided, of course, they do not make such reply as part of active participation in political campaigns.

The same definition of fair and proper administration of the bill applies to the right of any government employee, from the highest to the lowest, to give to the public ^{functional} information relating to the conduct of government affairs. To rule otherwise would make it impossible for the people of the United States to learn from those who serve the government vital, necessary and interesting facts relating to the manifold activities of the Federal Government. To rule otherwise would give a monopoly of information to those who, primarily for political purposes unfortunately, have been given to the dissemination of false information. That again is unfair and, therefore, un-American.

It is, I am confident, the purpose of the proponents of this legislation that the new law be thus administered so that the right of free speech will remain, even to those who serve their government; and that the government itself shall have full right to place all facts in its possession before the public. If some future Administration should undertake to administer this legislation to the detriment of these rights, such action would be contrary to the purpose of the Act itself and might well infringe ~~the~~ the constitutional rights of citizens. I trust that public vigilance will for all time prevent this.

The Attorney General calls my attention to a practical difficulty which should be corrected by additional legislation as soon as possible. For many years there has been an exception to the Civil Service regulation whereby employees permanently residing in the District of Columbia or in municipalities adjacent thereto may become candidates for or hold municipal office in their municipalities. This and a few similar exceptions should, I believe, be maintained.

The other question relates to the fact that the bill does not in any way cover the multitude of State ^{and local} employees ~~who~~

and who may continue to take part in elections in which there

Print by not transcribe Federal employees

are candidates for Federal office on the same ballot with candidates for state and local office. It is held by many who have examined the constitutional question that because the Congress, under the Constitution, may maintain the

integrity of Federal elections, it has the power to extend the objectives of this bill so as to cover State employees ^{and local government}

~~in~~ participating actively in ^{Federal} ~~state~~ elections. This is at

least worth the study of the Congress at its next session ^{and}

therefore before the next Federal election.
~~I am heartily glad that this legislation has been~~

~~passed by the Congress. That it will insure clean elections~~

~~in every part of the United States is, of course, unthinkable.~~

~~That it will remove all duress by public servants, state and local, and duress by all employers and all other organized interests is, of course, absurd.~~

It is because for so many years I have striven in public life and in private

life for decency in political campaigns, both on the part of government servants, of candidates, of newspapers ^{of corporations} and of

individuals that I regard this new legislation as at least

a step in the right direction.

TO THE CONGRESS OF THE UNITED STATES:

Because there have been so many misrepresentations, *some* unpremeditated, some deliberate, in regard to the attitude of the Executive branch of the Government in relation to Senate Bill 1871, "An Act to Prevent Pernicious Political Activities", and because a number of questions have been raised as to the meaning and application of some of its provisions, I deem it advisable at the time of executive approval to make certain observations to the Congress of the United States.

The genesis of this legislation lies in the message of the President of January 8, 1939, respecting an additional appropriation for the Works Progress Administration. I said in that message: "It is my belief that improper political practices can be eliminated only by the imposition of rigid statutory regulations and penalties by the Congress, and that this should be done. Such penalties should be imposed not only upon persons within the administrative organization of the Works Progress Administration, but also upon outsiders who have in fact in many instances been the principal offenders in this regard. My only reservation in this matter is that no legislation should be enacted which will in any way deprive workers on the Works Progress Administration program of the civil rights to which they are entitled in common with other citizens."

Furthermore, in applying to all employees of the Federal Government (with a few exceptions) the rules to which the Civil Service employees have been subject for many years, this

measure is in harmony with the policy that I have consistently advocated during all my public life, namely, the wider extension of Civil Service as opposed to its curtailment.

It is worth noting that nearly all exemptions from the Civil Service, which have been made during the past six years and a half, have originated in the Congress itself and not in the Executive.

Furthermore, it is well known that I have consistently advocated the objectives of the present bill. It has been currently suggested that partisan political reasons have entered largely into the passage of the bill: but with this I am not concerned, because it is my hope that if properly administered the measure can be made an effective instrument of good government.

As is usual with all bills passed by the Congress, this bill has been examined, on its receipt at the Executive Offices, by the appropriate Departments or Agencies, in this case the Attorney General of the United States and the Civil Service Commission.

The Attorney General has advised me that it seems clear that the Federal Government has the power to prescribe as qualifications for its employees that they refrain from taking part in other endeavors which, in the light of common experience, may well consume time and attention required by their duties as public officials. He points out, however, that such qualifications cannot properly preclude government employees from the exercise of the right of free speech or from their right to exercise the franchise.

The question of constitutionality being resolved in favor of the bill, our next inquiry relates to the exercise and preservation of these rights. It is obvious that the intent of the bill is to follow broadly the provisions of Civil Service regulations that have existed for many years in regard to political activities of Federal employees.

It is because I have received and will continue to receive so many queries asking what a government employee may or may not do that it seems appropriate at the outset to postulate the broad principle that if the bill is administered in accord with its spirit, and if it is in the future administered without abuse, oppression or groundless fear, it will serve the purpose intended by the Congress.

For example, I have been asked by employees of the government whether under this law they would lose their positions if they merely attend political meetings. The answer is, of course, no.

I have been asked whether they would lose their positions if they contributed voluntarily to party or individual campaign funds without being solicited. The answer is, of course, no.

I have been asked whether they would lose their positions if they should merely express their opinion or preference publicly -- orally, by radio, or in writing -- without doing so as part of an organized political campaign. The answer is no.

I have been asked if citizens who have received loans from the Home Owners Loan Corporation, from the Farm Credit Administration or its subsidiaries, from the Farm Security Administration, from the Reconstruction Finance Corporation and other government lending agencies, would be subject to the terms of this bill.

The answer is no.

I have been asked whether farmers receiving farm benefits would be bound by the terms of the bill. Again the answer is no.

I have been asked if government employees who belong to Young Republican Clubs, Young Democratic Clubs, Civil Service Reform Associations, the League of Women Voters, the American Federation of Labor, the Congress for Industrial Organization, and similar bodies are subject to the penalties of the measure because of mere membership in these organizations. The answer is no.

There will be hundreds of similar questions raised in the actual administration and enforcement of this bill. Such questions will be asked in most cases by individuals in good faith. And it is only fair that they should receive an answer. I am, therefore, asking the Attorney General to take the necessary steps through the new Civil Liberties unit of the Department of Justice in order that the civil rights of every government employee may be duly protected and that the element of fear may be removed.

I have been asked if the bill applies to veterans -- Civil War, Indian Wars, the War with Spain, the World War -- retired officers and men of the Army, Navy and Marine Corps who, though not government employees are receiving benefits or pensions of one kind or another. The answer is, of course, no.

I have been asked if the Act applies to those who get government benefits under the Social Security Act in the form of old age pensions or in the form of unemployment compensation. The answer is no.

Finally, I have been asked various questions relating to

the right of a government employee publicly to answer unwarranted attacks made on him or on his work or on the work of his superiors or on the work of his subordinates, notwithstanding the fact that such attacks or misrepresentations were made for political purposes by newspapers or by individuals as a part of a political campaign.

This raises the interesting question as to whether all government officials except the President and Vice President, persons in the office of the President, heads and assistant heads of Executive Departments and policy determining officers appointed by and with the advice and consent of the Senate must remain mute if and when they or the work with which they are concerned is attacked and misrepresented in a political campaign or preliminary thereto.

It will be noted that the language of the bill wholly excludes members or employees of the Legislative Branch of the Government from its operation.

It can hardly be maintained that it is an American way of doing things to allow newspapers, magazines, radio broadcasters, members and employees of the Senate and House of Representatives and all kinds of candidates for public office and their friends to make any form of charge, misrepresentation, falsification or vituperation against the acts of any individual or group of individuals employed in the Executive Branch of the Federal Government with complete immunity against reply except by a handful of high executive officials. That, I repeat, would be un-American because it would be unfair, and the great mass of Americans like fair play and insist on it. They do not stand for any gag act.

It is, therefore, my considered opinion, in which the

Attorney General of the United States joins me, that all Federal employees, from the highest to the lowest, have the right publicly to answer any attack or misrepresentation, provided, of course, they do not make such reply as part of active participation in political campaigns.

The same definition of fair and proper administration of the bill applies to the right of any government employee, from the highest to the lowest, to give to the public factual information relating to the conduct of government affairs. To rule otherwise would make it impossible for the people of the United States to learn from those who serve the government vital, necessary and interesting facts relating to the manifold activities of the Federal Government. / To rule otherwise would give a monopoly ^{To original and disseminate} information to those who, primarily for political purposes, unfortunately have been given to the ^{upstaging} ~~dissemination~~ of false information. That again is unfair and, therefore, un-American.

It is, I am confident, the purpose of the proponents of this legislation that the new law be thus administered so that the right of free speech will remain, even to those who serve their government; and that the government itself shall have full right to place all facts in its possession before the public. If some future Administration should undertake to administer this legislation to the detriment of these rights, such action would be contrary to the purpose of the Act itself and might well infringe the constitutional rights of citizens. I trust that public vigilance will for all time prevent this.

The Attorney General calls my attention to a practical

difficulty which should be corrected by additional legislation as soon as possible. For many years there has been an exception to the Civil Service regulation whereby employees permanently residing in the District of Columbia or in municipalities adjacent thereto may become candidates for or hold municipal office in their municipalities. This and a few similar exceptions should, I believe, be maintained.

The other question relates to the fact that the bill does not in any way cover the multitude of State and local employees who greatly outnumber Federal employees and who may continue to take part in elections in which there are candidates for Federal office on the same ballot with candidates for state and local office. It is held by many who have examined the constitutional question that because the Congress, under the Constitution, may maintain the integrity of Federal elections, it has the power to extend the objectives of this bill so as to cover State and local government employees who participate actively in Federal elections. This is at least worth the study of the Congress at its next session and therefore before the next Federal election.

It is because for so many years I have striven in public life and in private life for decency in political campaigns, both on the part of government servants, of candidates, of newspapers, of corporations and of individuals that I regard this new legislation as at least a step in the right direction.

The White House

August 2, 1939

Attorney General of the United States joins me, that all Federal employees, from the highest to the lowest, have the right publicly to answer any attack or misrepresentation, provided, of course, they do not make such reply as part of active participation in political campaigns.

The same definition of fair and proper administration of the bill applies to the right of any government employee, from the highest to the lowest, to give to the public factual information relating to the conduct of government affairs. To rule otherwise would make it impossible for the people of the United States to learn from those who serve the government vital, necessary and interesting facts relating to the manifold activities of the Federal Government. To rule otherwise would give a monopoly ^{to originate and disseminate} information to those who, primarily for political purposes, unfortunately have been given to the ^{the public} ~~the public~~ of false information. That again is unfair and, therefore, un-American.

It is, I am confident, the purpose of the proponents of this legislation that the new law be thus administered so that the right of free speech will remain, even to those who serve their government; and that the government itself shall have full right to place all facts in its possession before the public. If some future Administration should undertake to administer this legislation to the detriment of these rights, such action would be contrary to the purpose of the Act itself and might well infringe the constitutional rights of citizens. I trust that public vigilance will for all time prevent this.

The Attorney General calls my attention to a practical

difficulty which should be corrected by additional legislation as soon as possible. For many years there has been an exception to the Civil Service regulation whereby employees permanently residing in the District of Columbia or in municipalities adjacent thereto may become candidates for or hold municipal office in their municipalities. This and a few similar exceptions should, I believe, be maintained.

The other question relates to the fact that the bill does not in any way cover the multitude of State and local employees who greatly outnumber Federal employees and who may continue to take part in elections in which there are candidates for Federal office on the same ballot with candidates for state and local office. It is held by many who have examined the constitutional question that because the Congress, under the Constitution, may maintain the integrity of Federal elections, it has the power to extend the objectives of this bill so as to cover State and local government employees who participate actively in Federal elections. This is at least worth the study of the Congress at its next session and therefore before the next Federal election.

It is because for so many years I have striven in public life and in private life for decency in political campaigns, both on the part of government servants, of candidates, of newspapers, of corporations and of individuals that I regard this new legislation as at least a step in the right direction.

The White House

August 2, 1939